

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1989

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 7, 1989



Vol. 1

WITH AN INDEX PREPARED BY THE
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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1989**

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 7, 1989

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1989, begun and held at the State House in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1989, being the seventh day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-Nine, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, was called to order by Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Rep. Claud Walker, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lakita Brown, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Warren, leave of absence was granted for Rep. White (F).

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. R. 1. NOTIFY SENATE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Campbell:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Sanderford, Beers and Curry.

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Also:

By Rep. Campbell:

H. J. R. 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:15 P. M. on February 7, 1989, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Sanderford, Beers and Curry.

Also:

By Rep. Campbell:

H. R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 7, 1989, we adjourn to meet again on Thursday, February 9, 1989, at 10:00 A.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 4, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 5. CONGRATULATING THE 1988 CLASS 2A STATE VOLLEYBALL CHAMPIONS OF WEST END HIGH SCHOOL, WALNUT GROVE, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 6. CONGRATULATING THE 1988 CLASS 2A STATE VOLLEYBALL CHAMPIONS OF WEST END HIGH SCHOOL, WALNUT GROVE, ALABAMA.

WHEREAS, in highest commendation, the Alabama Legislature congratulates the 1988 Class 2A State Volleyball Champions of West End High School who have now claimed the Title for the fourth consecutive year; and

WHEREAS, the lady Patriots, in addition to the State Crown, also captured both the West End Invitational and the Etowah County Tournaments, the Class 2A Area 14 Title and the Substate Game #7 Playoff; and

WHEREAS, we further note in highest praise that the Patriots' record for the 1988 season stands at 41-4, while overall for the past four years, West End High holds a phenomenal record of 150 wins and only 17 losses for a near-90 winning percentage; and

WHEREAS, under the talented leadership of Head Coach Becky Vice, those contributing to West End's phenomenal '88 season and the State 2A Title were Tammie Jeffers, Tanya McCright, Mickie Bates, Julie McMillan, Connie Payne, Tina Summerford, Stethanie Garrard, Shellie Garmany, Cindy Hammett, Keena Walls, Jennifer Walls and Amy Baldwin, while serving as manager was Heather Garrard and, as scorekeeper, Gayle Stansell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the West End High School Patriots on their 1988 Class 2A State Volleyball Championship, and do further direct that copies of this resolution be forwarded to Coach Vice for appropriate presentation and school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Rep. Blake:

H. J. R. 7. CONGRATULATING CAROLYN T. RODGERS OF PELL CITY, ALABAMA, PRESIDENT OF ALABAMA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

WHEREAS, in consensus of commendation and esteem, the Alabama Legislature congratulates Carolyn T. Rodgers on her election to the presidency of the Alabama Federation of Business and Professional Women's Clubs; and

WHEREAS, a native of Pickens County and the widow of William A. (Billy) Rodgers, Mrs. Rodgers is a former resident of Fayette County and has lived in Pell City, St. Clair County, since 1983; she is a graduate of Carrollton High School and Alverson Draughon Business College and has completed a number of continuing education courses; and

WHEREAS, Mrs. Rodgers, employed with Contel (formerly Continental Telephone Company) since 1958, has served for the past 18 years in managerial capacity and currently is assigned to Contel's collection function at the company's state office in Pell City; and

WHEREAS, in addition to her career responsibilities, Mrs. Rodgers has been active for some 25 years as a Business and Professional Women's (BPW) Club member, serving in committee assignments at club, district and state levels; for five years in three clubs as president; as director for both Districts IV and VI; for two years as Alabama's Young Careerist Chairman; as executive board member of Alabama Boys and Girls Ranches; and as AFBPW 2nd and 1st vice president; and

WHEREAS, she further is the recipient of such outstanding awards as 1978 Woman of Achievement (Pickens County BPW Club), 1985 Woman

of the Year (Pell City BPW Club) and Contel's Citizenship Award, among others; and

WHEREAS, Mrs. Rodgers additionally is a member of the Administrative Board and Choir of the First United Methodist Church of Pell City and other affiliations, past and present, include Greater Pell City Area Chamber of Commerce, Summerfest Committee, Miss Logan Martin Pageant Scholarship Committee, and Pell City Chairperson for "Alabama Reunion," among numerous others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and community leadership, and as President of the Alabama Federation of Business and Professional Women's Clubs, we hereby most highly commend Carolyn T. Rodgers of Pell City, Alabama, to whom a copy of this resolution of esteem shall be presented.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Rep. Blake:

H. J. R. 8. RECOGNIZING OPAL ROBISON OF ST. CLAIR COUNTY FOR DISTINGUISHED SERVICE TO THE COMMUNITY.

WHEREAS, both the Alabama Legislature and the St. Clair County Chapter of People Against a Littered State (PALS, Incorporated) have heretofore recognized with highest commendation the worthy efforts of Opal Robison toward the goal of a clean and more beautiful community; and

WHEREAS, Opal Robison, for the past 20 years, has given freely of her time on a regular basis, picking up litter that has been scattered along the county road near her home on beautiful Simmons Mountain; and

WHEREAS, it is our consensus that Opal Robison has indeed been faithful in service, working diligently to help make Alabama and St. Clair County a more beautiful and healthy environment, and she is to be congratulated on her selection as the 1989 recipient of the first "Opal Robison Award," a prestigious bestowal that has been named in her honor and, in 1990 and annually thereafter, is to be given to a person, group or organization that also demonstrates the worthy goals of Alabama PALS, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and to express our heartfelt congratulations as the first "Opal Robison Award" recipient, we hereby commended Mrs. Robison, and do further direct that she receive a copy of this resolution on the special day declared in her honor and following presentation of this outstanding award.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

By Rep. Blake:

H. J. R. 9. COMMENDING JENNIFER REBECCA BOSWELL, "MISS ST. CLAIR COUNTY".

WHEREAS, in sentiment of commendation and esteem, the Alabama Legislature congratulates Jennifer Rebecca Boswell of Ragland, Alabama, as Miss St. Clair County and her county's representative to the forthcoming Miss Alabama Pageant; and

WHEREAS, the 17-year-old daughter of Mr. and Mrs. Otis Boswell, Jennifer is a senior honor student at Ragland High School where she has maintained a perfect 4.0 grade average and is a recipient of the Beta Club Math trophy and the Woodmen of the World Outstanding History Student trophy; and

WHEREAS, Jennifer Boswell also is actively committed to community service and is involved in many church affairs including volunteer service as a nursery baby sitter, as well as participation in the Church Choir and as a member, along with her sisters, of a singing trio; and

WHEREAS, other of Jennifer's outstanding honors include head majorette, fourth and second place rankings in the Miss Majorette of Alabama Competition, varsity cheerleader and All Star UCA Cheerleader, and many other pageant titles including Miss Springtime Queen and Miss Christmas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Jennifer Rebecca Boswell of Ragland for outstanding achievement and as Miss St. Clair County, and do further direct that she receive a copy of this resolution, executed in sincere praise and with best wishes for every future success in life.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Reps. Marks and Parker:

H. J. R. 10. DESIGNATING DECATUR AS THE BALLOONING CAPITAL OF ALABAMA.

WHEREAS, Decatur was the first municipality in the nation to have its own balloon, the "Alabama Jubilee" which was owned by the Decatur Chamber of Commerce and was emblazoned with the city's name as well as the name of the nation's first wave pool park, "Point Mallard;" and

WHEREAS, the current and second Decatur balloon is the "Up, Up and Away" and is often sent to out-of-state events to promote both the city and the state; and

WHEREAS, ballooning on a large scale was introduced to Alabama with the inception of the Alabama Jubilee Hot-Air Balloon Classic in Decatur in 1978; seventeen balloonists from Kentucky, Ohio, Georgia, Mississippi and Louisiana attended this first festival which afforded many Alabamians their first glimpse of the colorful aircraft; and

WHEREAS, the Alabama Jubilee classic was one of the first such events in the South, and also is both one of the South's longest lived and largest ballooning events; and

WHEREAS, invitations to the Alabama Jubilee are highly prized by balloonists who cite the beautiful and challenging combination of farmland

and the Tennessee River, as well as friendly landowners and the enthusiasm of the people of the state for balloons, as top reasons for coming to Alabama, and they have spread the word about ballooning in the Heart of Dixie to other balloonists throughout the nation and the world; and

WHEREAS, further, publicity about Alabama ballooning and the Alabama Jubilee has been disseminated over the years through national television and in nationally-distributed magazines, as well as coverage in regional newspapers, and has thereby encouraged visitors in ever-increasing numbers to come to Alabama for ballooning and to enjoy its other attractions; the success of such promotions is evidenced by last year's record attendance of some 125,000 spectators, about one-third from out-of-state, and by the event's generation of approximately \$9 million in revenue; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the City of Decatur as the "Ballooning Capital of Alabama" and do further direct that said designation henceforth and forever remain as an official state title.

On motion of Rep. Marks, the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Rep. Laird:

H. J. R. 11. OPPOSING THE PURCHASE OF WSFA BY THE RETIREMENT SYSTEMS OF ALABAMA.

WHEREAS, the members of the Alabama Legislature believe in the tenets of the First Amendment to the Constitution of the United States and the freedom of speech guaranteed therein; and

WHEREAS, the Retirement System of Alabama which normally judiciously invests so as to obtain maximum benefits for its members, has opted to enter into a purchase agreement for Television Station WSFA in Montgomery, a privately-owned corporation devoted to the news and entertainment profession; and

WHEREAS, the Legislature believes the consummation of this purchase would give the appearance of state control of a private television station, thereby leading to such state control of the station's news and editorial views, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby go on record as opposing this purchase and such future purchases by the Retirement Systems of Alabama.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Laird offered the motion to suspend the rules and adopt the resolution, H. J. R. 11.

DIVISION OF THE QUESTION

Rep. Coburn called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Laird to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 11, and the motion was lost, lacking a four-fifths vote.

Yeas 33; Nays 27.

Yeas:

Mr. Speaker, Beasley, Beers, Breedlove, Brooks, Butler, Cosby, Curry, Frazier, Gaston, Grouby, Hammett, Harvey, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Turner, Venable, Walker, White (G) and Wright.

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Nays:

Reps. Black, Bowling, Bryant, Campbell, Carothers, Carter, Coburn, Crow, Ford, Freeman, Fuller, Higginbotham, Johnson (RW), McClain, McDowell, Moon, Newman, Newton, Parker, Perdue, Rogers, Spratt, Starkey, Thomas, Turnham, White (L) and Williams.

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The resolution, H. J. R. 11, was read and referred to the Standing Committee on Rules.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Rep. Willis:

H. 1. Relating to Public Service Commission; to amend Section 37-3-4 of the Code of Alabama 1975, so as to exempt motor vehicles which move or transport mobile homes from the requirement of certification by the Public Service Commission.

Committee on Judiciary.

By Reps. Burke, Holley, Carter, Walker, Moon, Lindsey, Payne, and Hill:

H. 2. To amend sections 34-22-1, 34-22-2, 34-22-6, 34-22-20, 34-22-23 and 34-22-42, Code of Alabama 1975, which relate to the regulation of the practice of optometry, so as to define further the practice of optometry and the treatment of eye diseases and disorders; to extend the objects and purposes of the chapter; to enumerate further certain unlawful acts; to provide further for examination and qualification of applicants; to provide further ground for revocation and suspension; to provide for additional powers and duties of the board; and to provide further for the practice of optometry.

Committee on State Administration.

By Rep. Richardson:

H. 3. To designate the Stevenson Depot as the Official Railway Museum of Alabama.

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WHEREAS, the Stevenson Railroad Depot, which was built in the early 1850's, has been truly steeped in railroad and transportation history, serving as a major communication center; and

WHEREAS, the renovation of the Depot was completed in the early 1980's and the history of railroading in North Alabama is preserved in memorabilia and exhibits, and a multimedia presentation; and

WHEREAS, since year-round operation of the museum began in 1982, thousands of tourists, area residents, and students have toured the Depot and to see on static display, classic steam locomotives, various railway rolling stock and equipment; now therefore,

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Richardson:

H. 4. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Starkey and Goodwin:

H. 5. To amend Section 16-25-13.1, Code of Alabama 1975, which provides for the purchase of credit for service at Athens State College and the state junior colleges, so as to authorize such purchase for certain former employees.

Committee on Education.

By Rep. Payne:

H. 6. To propose an amendment to the Constitution providing that regular sessions in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets and certain other legislation, to provide for the subject matter for regular sessions during even-numbered years and to allow certain exceptions; to set the duration of said sessions, and the implementation date.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Fuller:

H. 7. To amend Sections 27-13-28 and 27-13-66, Code of Alabama 1975, which relates to the annual statistical reports of insurance companies, so as to provide that certain information shall be public record.

Committee on Insurance.

By Rep. Fuller:

H. 8. To require the Commissioner of Insurance to annually report to the Legislature the effect of the enactment of "tort reform" statutes on insurance rates.

Committee on Insurance.

By Rep. Fuller:

H. 9. To amend Section 27-13-30, Code of Alabama 1975, relating to insurance rates and ratings, so as to require the commissioner of insurance to conduct public hearings in not less than ten percent (10%) of the insurance rate increase filings in each 12-month period; and to provide that summaries of such insurance rate filings be published in a minimum of five Alabama daily newspapers.

Committee on Insurance.

By Rep. Fuller:

H. 10. To amend Section 8-19-7, Code of Alabama 1975, which provides for the exemptions from the Deceptive Trade Practices Act, so as to remove persons or activities subject to the Insurance Code from said exemptions.

Committee on Insurance.

By Rep. Fuller:

H. 11. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$25,000.00 for violations of the Insurance Code following an administrative hearing.

Committee on Insurance.

By Rep. Fuller:

H. 12. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee truthfully reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitations.

Committee on Judiciary.

By Rep. Fuller:

H. 13. To amend section 9-11-237 of the Code of Alabama 1975 relating to the sale of game birds or animals or parts thereof, so as to legalize the sale of the hide of any deer that is legally killed or taken in this state.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Butler:

H. 14. To further amend Section 23-2-147, Code of Alabama 1975, as amended, relating to the Alabama Toll Road, Bridge and Tunnel Authority and the form, premium yield and procedures, so as to set the rate of yield to the competitive rate at the time the bond issue is formed.

Committee on Ways and Means.

By Rep. Ford:

H. 15. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Breedlove:

H. 16. To amend further section 32-8-2, Code of Alabama 1975, as amended, which defines certain terms contained in the Uniform Certificate of Title and Antitheft Act, so as to include boat motors and the department of conservation and natural resources within the meaning, coverage and protection of the chapter.

Committee on Judiciary.

By Reps. Breedlove, Mathis, Warren, and Richardson:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Breedlove:

H. 18. To provide protection for public employees and employees working on jobs financed by public money who report violations or suspected violations of laws, regulations or rules; and for employees who participate in hearings, investigations, legislative inquiries or court actions; and to prescribe remedies and penalties for violations.

Committee on Judiciary.

By Rep. Grouby:

H. 19. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative

remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Committee on Small Business.

By Rep. McClain:

H. 20. To amend Section 15-10-2, Code of Alabama, 1975, which relates to when an officer may execute warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Committee on Judiciary.

By Rep. McClain:

H. 21. To amend Sections 40-7-2, 40-7-19, 40-7-22 and 40-7-31 of the Code of Alabama 1975, relating to procedures for assessment of taxes, so as to change certain deadline dates relating to tax assessment.

Committee on Ways and Means.

By Rep. McClain:

H. 22. To reopen the Teachers' Retirement System of Alabama for a certain time period for purchase of prior service credit by certain employees of the Disability Determination Division of the State Department of Education; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of said retirement system; to provide for the manner of payment of the member's and employer's contributions to such system to secure credit for such prior service and to provide for termination of such reopening period.

Committee on Ways and Means.

By Rep. Layson:

H. 23. To require local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior high school students.

Committee on Education.

By Reps. Turnham and Britnell:

H. 24. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

Committee on Health.

By Rep. Mathis:

H. 25. To amend Section 22-21-318 of the Code of Alabama 1975, relating to hospitals and other health care facilities' powers of authority so as to repeal the provisions prohibiting the authority from furnishing free or

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below cost office space or guaranteeing the income to any nonhospital-based physician, dentist or other health care professional in private practice.

Committee on Health.

By Rep. Mathis:

H. 26. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Hammett:

H. 27. To require the submission to the State Banking Department of certain reports and records of transactions involving United States currency when such reports and records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, to provide for confidentiality in certain instances, to provide for certain exemptions, to provide for the subpoena of said reports and to prescribe certain penalties for violation of this act.

Committee on Banking.

By Rep. Walker:

H. 28. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Committee on Ways and Means.

By Rep. Walker:

H. 29. To establish the Campaign Contribution Limits Political Reform Act of 1989; to establish limits on campaign contributions for candidates for state and local elective office; to prohibit the use of public funds for campaign expenditures; to prohibit state or local elected officials from spending public funds on newsletters and mass mailings; to prohibit transfers of funds between individual candidates or between their campaign committees; to require any unexpended contributions after the election be deposited into the general fund; and to provide for penalties for violations.

Committee on Judiciary.

By Rep. Walker:

H. 30. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Committee on Judiciary.

By Rep. Walker:

H. 31. To provide authority for the Department of Corrections to contract or enter into agreements with private industry so as to establish

effective, work oriented rehabilitation programs in an actual private enterprise work environment.

Committee on Judiciary.

By Rep. Walker:

H. 32. To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

Committee on Ways and Means.

By Rep. Walker:

H. 33. To authorize and provide the procedure for members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for members of the legislature and their dependents; to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Ways and Means.

By Rep. Fuller:

H. 34. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Ford:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alteration procedure which creates an agency relationship between related banks.

Committee on Banking.

By Rep. Ford:

H. 36. To authorize members of a municipal governing body to serve on the board of directors of a municipal utility board and to provide for the compensation of such members.

Committee on Local Government.

By Rep. Newman:

H. 37. To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

Committee on Highway Safety.

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By Rep. Marks (With Notice and Proof):

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Marks:

H. 39. To amend Section 12-13-41, Code of Alabama 1975, which relates to duties of probate judges of this state, so as to allow the probate judge to maintain a single bound volume, or single data source, for the registration of deeds of conveyance, mortgages and other instruments to secure the payment of debt.

Committee on Judiciary.

By Rep. Moon:

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

Committee on Local Government.

By Rep. Moon:

H. 41. To amend section 33-5-24, Code of Alabama 1975, relating to the operation of vessels, so as to provide that no person shall operate any vessel on the waters of this state under the influence of any controlled substances or alcohol; to provide for the administering of chemical tests; and to provide further for penalties for violations.

Committee on Judiciary.

By Rep. Moon:

H. 42. To amend section 32-6-272, Code of Alabama 1975, which provides for the issuance of distinctive license plates for fire fighters, so as to remove the issuance fee for said license plates.

Committee on Ways and Means.

By Rep. Hammett:

H. 43. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service up to 24 months for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration of such option.

Committee on Ways and Means.

By Rep. Grouby:

H. 44. To provide penalties for persons who engage in any act of hunting during any period of time in which they, by order of any circuit or district

court judge, have had any hunting license privileges revoked or suspended or been otherwise prohibited from obtaining hunting licenses or hunting in this state.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Butler:

H. 45. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to provide for a license year of from August 1 to July 31 of each year for those hunting or fishing licenses provided for in Sections 9-11-44 or 9-11-53, Code of Alabama 1975, as last amended; and to provide for the license years to which said amendatory provisions apply.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Payne (With Notice and Proof):

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 46, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Mathis and Newman:

H. 47. To provide that under certain circumstances, the state pardons and paroles board may consider for parole, any person sentenced under Section 13A-5-9 of the Code of Alabama 1975, as an habitual felony offender; granting the board certain rule making power.

Committee on Judiciary.

By Rep. Turner:

H. 48. Relating to aviation and airport zoning in Alabama; to amend Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7 and 4-6-8, Code of Alabama 1975, so as to: expand the short title, the definitions and statements of declared public purpose to include compatible land use regulations as a function of airport zoning in Alabama; to provide further for the adoption of hazard and compatible land use standards and ordinances by counties and municipalities, and for the enforcement of such ordinances; to provide further for the procedures by which counties and municipalities adopt zoning regulations; to redefine reasonableness of standards for adoption of regulations; and to provide further for variances to limit liabilities to persons receiving variances.

Committee on Ways and Means.

By Rep. Turner:

H. 49. To amend sections 40-17-31 and 40-9-1(24), Code of Alabama 1975, which levies certain ad valorem taxes and motor fuel taxes in this

state, so as to: increase certain aircraft fuel taxes and remove maximum amounts such taxes may accumulate; redefine the meaning of an aircraft "hub operation" for purposes of excluding fuels from said taxes; and to provide other exemptions for fuels used in non-stop international aircraft flights.

Committee on Ways and Means.

By Rep. Turner:

H. 50. To amend sections 4-3-45, 4-3-47 and 4-2-9, Code of Alabama 1975, which relate to airport authorities and airport safety; so as to: provide that the governor appoints members of an airport authority board of directors if the state is the sole or primary authorizing agency; to provide further for the powers of airport authorities under section 4-3-47; to authorize airport authorities created pursuant to other legislative acts to adopt powers enumerated in section 4-3-47; and to prohibit hunting or discharge of firearms on or near any airport facility or aircraft.

Committee on Ways and Means.

By Rep. Turner:

H. 51. Relating to encouraging economic development for airports in this state; to provide a special grant and loan program through a special fund in the state treasury, and to annually make appropriations to said fund, to airports and airport authorities of this state; to provide that the department of economic and community affairs (ADECA) and the aeronautics department (department) shall jointly administer such program; to adopt administrative rules to implement the act; to establish criteria and guidelines for grants and loans; to encourage and foster public-private cooperation and to state certain primary goals and considerations of the program.

Committee on Ways and Means.

By Rep. Walker:

H. 52. To propose an amendment to the Constitution of Alabama of 1901, to provide for the enactment of laws by the initiative.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable:

H. 53. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Committee on Health.

By Rep. Venable:

H. 54. To further provide for state employee benefits; to provide that the State Personnel Board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria

Plan" pursuant to 26 U.S.C.A. section 125, Internal Revenue Code, as amended, relating to exclusions from gross income and the reporting thereof, that will provide employees a means of providing themselves medical and other benefits in a tax effective manner by allowing employees a choice between cash compensation and various nontaxable benefits with all money used for benefits under the plan continuing to be treated as before for all other state law purposes, except as herein provided.

Committee on Ways and Means.

By Rep. Richardson:

H. 55. To amend Section 9-11-242, Code of Alabama 1975, as last amended, relating to hunting at night on the lands of another, so as to delete certain exceptions for fox, raccoon, and opossum hunting.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Richardson:

H. 56. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Blakeney:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

Committee on Public Welfare.

By Rep. Newton:

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

Committee on Ways and Means.

By Rep. Newton:

H. 59. To amend Sections 41-4-110, 41-4-111 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of storerooms for storage and distribution of personal property.

Committee on State Administration.

By Rep. McKee:

H. 60. To create the Division of Risk Management within the Department of Finance to administer a total insurance program, to reduce costs

and minimize losses through appropriate programs and to amend Section 41-16-21, Code of Alabama 1975, relating to competitive bids, so as to include insurance contracts within the provisions of the bid law.

Committee on State Administration.

By Rep. McKee:

H. 61. To amend Sections 41-15-1 through 41-15-6 and 41-15-8, 41-15-9, 41-15-11, Code of Alabama 1975, relating to the State Insurance Fund, so as to provide increased discounts for all insured, establish the office of risk manager, provide further for surveys of insured property and appurtenances, provide for delinquent fees and to repeal Section 41-15-7, Code of Alabama 1975.

Committee on State Administration.

By Reps. Marks, Gray, Hamilton, Blakeney, and Layson:

H. 62. To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

Committee on Highway Safety.

By Reps. Blakeney, Hamilton, and Marks:

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

Committee on Judiciary.

By Reps. Hamilton, Blakeney, Lindsey, Warren, Bryant, Penry, and Marks:

H. 64. To amend Section 9-11-56.1, Code of Alabama 1975, as last amended, relating to nonresident commercial fishing licenses, so as to further provide for said licenses; to provide that the department of conservation and natural resources may sell said licenses to all non-residents for a license fee of \$500.00 and an issuance fee of \$1.00; and to delete certain provisions thereof relating to the sale of said licenses on a reciprocal basis.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Breedlove, Blakeney, and Richardson:

H. 65. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and

9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244, with respect to deer or turkey.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Richardson:

H. 66. To amend Section 9-11-143, Code of Alabama 1975, as last amended, relating to licenses for the use of commercial fishing gear, so as to increase the license and issuance fees thereof; and to provide for license years to which said amendatory provisions apply.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Breedlove:

H. 67. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records or purchases of unmanufactured or semimanufactured forest products, so as to increase the penalty for failure to maintain such records.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Penry, Hamilton, and Lindsey:

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Marks:

H. 69. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

Committee on Judiciary.

By Rep. Marks:

H. 70. To amend Section 38-10-8, Code of Alabama 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require

the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

Committee on Judiciary.

By Rep. Higginbotham:

H. 71. Relating to the Teachers' Retirement System of Alabama; providing that certain persons now employed by state technical colleges may elect to purchase credited service up to eight years for certain service rendered to Athens State College; providing for the cost of such credited service; and providing for the expiration of such option.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 72, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

Committee on Ways and Means.

By Reps. Lindsey, Richardson, Warren, Blakeney, Hamilton, Penry, and Bryant:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Harvey:

H. 75. To amend sections 40-11-4, 18-1A-30, 18-1A-290, 18-1A-291, and 18-1A-214, Code of Alabama 1975, relating to ad valorem taxes, so as

to provide for the proration, calculation, collection and payment on a prorated basis of certain ad valorem taxes at the time of acquisition on property acquired by a tax exempt body with power of eminent domain through eminent domain or by conveyance; to provide further for the collection and payment, at the time of acquisition, of ad valorem taxes which are due and unpaid, including delinquent taxes on the property acquired, and on the property from which the acquisition is made, including the whole or entire property acquired, if the whole is acquired; to provide for the payment of all such taxes so collected to the appropriate tax collector, and for notice and procedure for the proration and for the collection and payment of all such taxes and for the removal of the acquired property from the tax assessor's book of assessments including the tax rolls of the tax assessor; and to repeal section 23-1-207, Code of Alabama 1975, authorizing the highway department to reimburse property owners for certain expenses.

Committee on Ways and Means.

By Rep. Harvey:

H. 76. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

Committee on State Administration.

By Rep. Perdue:

H. 77. To exempt the Alabama School of Fine Arts Foundation in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Perdue:

H. 78. To exempt the Jimmie Hale Mission in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Perdue:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Committee on Health.

By Rep. Buskey (JE):

H. 80. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

Committee on Judiciary.

By Rep. Buskey (JE):

H. 81. To provide for the specific use of funds for instructional supplies as may be appropriated by the Legislature in any given fiscal year, and as may be affected by an official declaration of proration.

Committee on Education.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Hamilton, Lindsey, Moon, Richardson, Burke, Hooper, Blake, Newton, Cosby, Curry, Dillard, and Blakeney:

H. 82. To authorize the state of Alabama to purchase a blanket bond to cover all notaries public within state government, to provide for the termination of an employee's notary commission upon separation from state government, to require notification, and to relieve the probate judge of certain liability.

Committee on State Administration.

By Rep. Campbell:

H. 83. To further amend Section 36-27-6, Code of Alabama 1975, as amended, relating to participation in the state employees' retirement system by employees and public officers of counties, municipalities and other political subdivisions and quasi-public organizations, so as to authorize certain employees of the community action agencies to be members of the state employees' retirement system upon certain conditions.

Committee on Ways and Means.

By Rep. Campbell:

H. 84. To amend section 36-7-21, Code of Alabama 1975, relating to allowances for persons traveling outside the state, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses.

Committee on State Administration.

By Rep. Campbell:

H. 85. Relating to warranties implied in the sale of real estate and the waiver and relinquishment of such; to provide that a purchaser of real property, shall have the right to state in writing that such transactions shall not be subject to any implied warranties which exist now or in the future,

and to provide language which shall be legally sufficient to express the intention that such transaction will not be subject to any implied warranties.

Committee on Judiciary.

By Rep. Campbell:

H. 86. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of alcoholism and drug dependency to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and employee health and welfare plans or trusts, and repeals Section 27-20A-1 through 27-20A-4, Code of Alabama 1975.

Committee on Health.

By Rep. Williams:

H. 87. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Williams, Clark (J), Turnham, Freeman, Moon, Laird, Blake, Higginbotham, Burke, Lindsey, Richardson, Bryant, Warren, Blakeney, Hamilton, Ford, Harvey, Turner, Layson, McMillan, McKee, White (L), Venable, Holley, Dillard, Starkey, Hooper, Johnson (RG), Grouby, Knight and Willis:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Campbell:

H. 89. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

Committee on Judiciary.

By Rep. Campbell:

H. 90. To amend Section 40-18-20, Code of Alabama 1975, relating to military retirement benefits being exempted from income taxes, so as to provide further for said exemption.

Committee on Ways and Means.

By Reps. Campbell and Hill:

H. 91. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

Committee on Judiciary.

By Rep. Campbell:

H. 92. To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

Committee on Judiciary.

By Rep. Campbell:

H. 93. To provide further for the creation, alteration and termination of condominiums; the management of condominiums; protection of condominium purchasers and general provisions. To be known as the Alabama Uniform Condominium Act and to apply to all condominiums created in Alabama after January 1, 1990.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 94. To amend Section 27-1-18, Code of Alabama 1975, relating to patient reimbursement under certain medical expense insurance policies, so as to require that insurance policies or medical service contracts which include reimbursement for services rendered by psychiatrists and psychologists, shall also include reimbursement for services rendered by clinical social workers, professional counselors and psychiatric nurses.

Committee on Health.

By Rep. Williams:

H. 95. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Johnson (RW):

H. 96. Relating to Law Enforcement Officers; providing definitions; providing for certain rights and privileges of Law Enforcement Officers;

providing for the receipt and processing of complaints; providing for enforcement of the act; providing an effective date.

Committee on State Administration.

By Rep. Johnson (RW):

H. 97. To authorize the state board of education, in cooperation with the department of public safety, to promulgate rules and regulations necessary: (1) to prohibit any child with an excessive number of unexcused absences from school, or who has dropped out of school, from taking the examination for issuance of a driver's license; (2) to provide for the forfeiture of a driver's license of a child who is habitually truant or who drops out of school; and to provide that the rules adopted pursuant to this act shall be subject to the Alabama Administrative Procedure Act.

Committee on Education.

By Rep. Johnson (RW):

H. 98. To provide that no person shall abandon or fail to provide adequate support to his spouse, child, parents or certain other persons; to prescribe certain affirmative defenses; to prescribe penalties for persons who violate the provisions of this act, and to repeal certain conflicting law.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 99. To create a special school district to be known as the Mental Health School District; to provide for a board of education and a superintendent of education of said district; to provide for appointment of said board and superintendent and vacancies; to provide for duties, qualifications, and responsibilities of the superintendent; to provide and establish certain rights, privileges, and benefits of the employees of said school district; to ensure that said district shall be funded according to the Minimum Program Law as found in Title 16, Chapter 13, Code of Alabama, 1975; to repeal conflicting provisions; and to provide an effective date.

Committee on State Administration.

By Rep. Richardson:

H. 100. To provide for the reopening of the Employees' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a city, county, or a political subdivision thereof of the State of Alabama for which they are ineligible to gain service credit.

Committee on Ways and Means.

By Rep. Richardson (With Notice and Proof):

H. 101. Relating to Jackson County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official permanent records in Jackson County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Richardson (With Notice and Proof):

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Marietta, Box and Higginbotham:

H. 103. To provide for the revision of the adoption laws to be known as the "1989 Alabama Adoption Act" by providing general provisions, definitions, jurisdiction, venue and procedure; by amending Section 1 of Act No. 88-733, H. 10, First Special Session 1988, so as to provide further for investigation fees charged by the state department of human resources; by amending Section 40-18-15 of the Code of Alabama 1975, relating to income taxes so as to allow individuals a deduction for certain adoption expenses; by providing punishment for certain violations; by repealing Sections 26-10-1 through 26-10-10 of Code of Alabama 1975, relating to general adoption laws; by repealing Sections 43-4-1 through 43-4-4 of the Code of Alabama 1975, relating to adoption of adults for purposes of inheritance; and to provide for the application to existing adoptions and for an effective date of January 1, 1990.

Committee on Judiciary.

By Reps. Marietta and Box:

H. 104. To amend Sections 13A-5-2, 13A-5-11 and 13A-5-12, Code of Alabama 1975, which relate to criminal sentences, so as to provide for the imposition of minimum fines in criminal sentences.

Committee on Judiciary.

By Reps. Marietta and Box:

H. 105. Relating to group or blanket hospital or medical expense insurance policies or service contracts; requiring that when a purchaser of insurance terminates or replaces an existing group hospital or medical insurance policy or contract containing a "preexisting conditions" clause, certain benefits shall be provided under the clause.

Committee on Judiciary.

By Reps. White (L) and Holley:

H. 106. Providing that certain personnel employed by the State Alcoholic Beverage Control Board shall be considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement

benefits; providing that such personnel shall be eligible for such benefits to the same extent as other members under such system, and providing that the additional cost of such credited service shall be paid by the Alcoholic Beverage Control Board.

Committee on Ways and Means.

By Rep. White (L):

H. 107. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

Committee on Insurance.

By Rep. White (L):

H. 108. To amend Sections 34-38-1 and 34-38-2, Code of Alabama 1975, relating to the Alabama Impaired Professionals' Committee, so as to provide further for the cost of treatment programs and the authority of the board or boards to take disciplinary action against professionals.

Committee on Health.

By Rep. White (L):

H. 109. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

Committee on Insurance.

By Rep. White (L):

H. 110. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

Committee on Local Government.

By Rep. White (L):

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Committee on Local Government.

By Rep. White (L) (With Notice and Proof):

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks and turkey shoots for fund raising purposes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L):

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

Committee on Judiciary.

By Reps. Box, Marietta, Williams, Harvey, Lindsey, Bugg, Blakeney, Penry, and Zoghby:

H. 114. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and to authorize collection of fees to defray the expense of this program.

Committee on Judiciary.

By Reps. Box, Marietta, Campbell, Fuller, Poole, Brooks, and Newton:

H. 115. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The bill will become effective January 1, 1990.

Committee on Judiciary.

By Reps. Brooks, Sanderford, and Freeman:

H. 116. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

Committee on Ways and Means.

By Rep. Crow:

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

Committee on Highway Safety.

By Reps. Harvey and Starkey:

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

Committee on Judiciary.

By Reps. Starkey, Hamilton, and Coburn:

H. 119. To amend Section 28-3-280 of the Code of Alabama 1975, relating to an additional state sales tax on alcoholic beverages, so as to provide further for the amount of such tax.

Committee on Ways and Means.

By Rep. Harvey:

H. 120. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

Committee on Public Utilities and Transportation.

By Rep. Starkey:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in

the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

Committee on Judiciary.

By Rep. Harvey:

H. 122. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

Committee on Public Utilities and Transportation.

By Rep. Harvey:

H. 123. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Committee on Public Utilities and Transportation.

By Rep. Harvey:

H. 124. To provide for the regulation of wastewater treatment utilities by the public service commission; to provide for inspection and supervision fees relating to such regulation; and to provide penalties for violations of this act.

Committee on Public Utilities and Transportation.

By Rep. Fuller:

H. 125. To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each such commissioner, such term shall expire thirteen days from the day of the general election at which the successor to that office is elected and thereafter such county commissioners shall hold their respective offices for four years, or six years if so provided by local law, beginning on the fourteenth day following their election and until their successors are elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

Committee on Local Government.

By Rep. Fuller:

H. 126. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein. Further to amend Ala. Code §35-4-6 (1975) so as to provide that recordation

of a memorandum of lease has the same affect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

Committee on Judiciary.

By Rep. Fuller:

H. 127. To establish certain regulations pertaining to public educational personnel records.

Committee on Education.

By Reps. Gaston, Harvey, and Harper:

H. 128. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Committee on State Administration.

By Rep. Marks:

H. 129. To amend Section 11-47-24, Code of Alabama 1975, which requires defense and indemnity for municipal employees who may be sued for damages arising out of the performance of their official duties; to prescribe that the limits for damages set out in Section 11-93-2, Code of Alabama 1975, shall be applicable to any judgment rendered against such employees.

Committee on Judiciary.

By Rep. Headley (With Notice and Proof):

H. 130. Relating to Chilton County; amending Section 3 of Act No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Moon, Richardson, and Hamilton:

H. 131. To amend Section 9-14-29, Code of Alabama 1975, as last amended, relating to the applicability of the provisions of Article 2 of Chapter

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14 of Title 9 of the Code of Alabama 1975, so as to add an exemption for concession operations receiving gross receipts of \$100,000.00 or less annually.

Committee on Ways and Means.

By Rep. Moon:

H. 132. To amend Sections 11-51-90 and 11-51-93, Code of Alabama, 1975, so as to increase the fee for issuing a license from \$.50 to \$1.00 and to increase the penalty from \$100.00 to \$500.00 for engaging in a business or vocation without a license or for violating the licensing ordinance and to establish an effective date.

Committee on State Administration.

By Reps. Moon, Freeman, Richardson, Hamilton, Blakeney, Lindsey, Warren, and Bryant:

H. 133. To amend Section 41-16-21, Code of Alabama 1975, as last amended, relating to certain contracts for which competitive bidding is not required, so as to provide that advertising of the state parks by the department of conservation and natural resources shall be exempt from such bidding requirements.

Committee on State Administration.

By Reps. Moon, Richardson, and Hamilton:

H. 134. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to the lengths of the terms of state parks concession contracts, so as to provide for an increase in the lengths thereof.

Committee on State Administration.

By Reps. Newton, Spratt, and Perdue:

H. 135. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

Committee on Judiciary.

By Rep. Johnson (RG):

H. 136. To amend sections 22-21-260 and 22-21-265, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

Committee on Health.

By Rep. Johnson (RG):

H. 137. To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of traffic offenders, so as to eliminate the requirement for an immediate hearing and to provide that officers may take such offenders into

custody and bring them before a magistrate to require sufficient bond in certain instances and impose a minimum fine for failure to appear.

Committee on Judiciary.

By Rep. Johnson (RG):

H. 138. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Committee on Health.

By Rep. Johnson (RG):

H. 139. To amend Section 36-26-81, Code of Alabama, 1975, so as to provide for the provisional appointment of personnel to administer public health services within the county health department.

Committee on Health.

By Rep. Johnson (RG):

H. 140. This bill appropriates \$1.5 million to the health department for liability insurance premium grants for family practitioners and obstetricians who are willing to establish a new obstetrical practice in rural or underserved areas. This bill sets the maximum limit of the grant and authorizes the State Board of Health to adjust the amount based on any annual premium increases. This bill defines the criteria for eligibility.

Committee on Health.

By Reps. Johnson (RG), Carothers, and Beasley:

H. 141. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Committee on Ways and Means.

By Reps. Harper, Turnham, Johnson (RG), Williams, and Rogers:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Committee on Ways and Means.

By Rep. Harper (With Notice and Proof):

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 143, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper and Bugg:

H. 144. To provide for continuing education programs for teachers and payment to public colleges and universities within the State of Alabama for tuition costs to provide for repayment for noncompletion of courses and to provide for the Alabama Commission on Higher Education to promulgate rules and regulations regarding the application process and the approval and denial of such applications for degree advancement.

Committee on Education.

By Rep. Harper:

H. 145. To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of fiscal year for the state, so as to change the dates of said fiscal year; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

Committee on Ways and Means.

By Rep. Harper (With Notice and Proof):

H. 146. Relating to Mobile County; to amend Act 476, H. 638 of the 1967 Regular Session (Acts of 1967, p. 1169), pertaining to all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; amending the distribution of a portion of the proceeds of the motor vehicle license and registration fees and the proceeds of state gasoline taxes between the county and the municipalities therein.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 146, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Marks, Zoghby, and Seibels:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

Committee on Local Government.

By Rep. Thomas:

H. 148. To prohibit the use of gill, trammel, or fyke nets in the public fresh waters of the State of Alabama; to provide penalties for the violation thereof; and to provide an exception thereto.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Thomas (With Notice and Proof):

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 149, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg:

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gaston and Kvalheim:

H. 151. Proposing an amendment to the Constitution of Alabama relative to the power of recall, excluding members of the United States Congress.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gaston, Kvalheim, and Zoghby:

H. 152. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

Committee on State Administration.

By Rep. Gaston:

H. 153. To amend section 32-5A-110, Code of Alabama 1975, relating to the right-of-way for motor vehicles, so as to provide that a vehicle which approaches an unmarked intersection from a highway which terminates at such intersection shall yield to any other vehicle at any such intersection.

Committee on Highway Safety.

By Rep. Gaston:

H. 154. To amend Section 35-12-32 of the Code of Alabama 1975, relating to notices to be published and mailed to claim lost or unclaimed

property so as to require the Revenue Department to establish and make available, for a charge, a list of unclaimed property owners to assist "finders," "ferrets," "bounty-hunters," "heir-finders," or other individuals or organizations engaged in the practice of seeking, for a fee, the owners of abandoned or unclaimed property reported to the State; to establish the fee which a "finder" may charge an abandoned or unclaimed property owner; to authorize a charge to offset the cost of producing the listing; and to provide for the disposition of revenue received from listing sales.

Committee on State Administration.

By Reps. Gaston and Kvalheim:

H. 155. To require the state health department to provide superintendents of local boards of education information on school children with AIDS, confidentiality and disclosure in certain instances by local school superintendents.

Committee on Health.

By Reps. Turnham and Laird:

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Committee on Ways and Means.

By Reps. Turnham and Laird:

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Penry, McMillan, Blakeney, Hammett, and Beasley:

H. 158. To amend Section 37-6-21 of the Code of Alabama of 1975 to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Committee on State Administration.

By Reps. Penry, Williams, and Blakeney:

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

Committee on Health.

By Rep. Hooper:

H. 160. To create the Alabama Education Trust Act and to prescribe the powers and duties of the trust and of its board of directors; to provide

for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to provide for the repealer of this act if the trust has not entered into an advance tuition payment before January 1, 1991.

Committee on Judiciary.

By Rep. Hooper:

H. 161. Relating to parole for convicted felons in this state; to prohibit parole for persons convicted of certain violent crimes against another person and for a second or subsequent felony conviction for the sale or distribution of controlled substances.

Committee on Judiciary.

By Rep. Hooper:

H. 162. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to appropriations and the legislative process therefor.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hooper:

H. 163. To amend Section 7 of Act No. 88-981 of the 1988 Second Special Session of the Alabama Legislature establishing a special account to prevent proration in the Alabama Special Educational Trust Fund so as to provide further for any funds not used by agencies funded by the Alabama Special Educational Trust Fund to revert back to the Alabama Special Educational Trust Fund at the end of each fiscal year.

Committee on Ways and Means.

By Rep. Hooper:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Hooper:

H. 165. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Committee on Ways and Means.

By Reps. Butler, Fuller, Hooper, Burke, Biddle, Carothers, Beasley, White (L), Freeman, Johnson (RG), McClain, and McDowell:

H. 166. This bill amends the notifiable disease statute by removing the requirement for a complete physical examination prior to obtaining a marriage

license; removes the requirement that all persons confined in a city or county jail be tested for contagious diseases; removes the requirement that a commitment hearing be before a jury; and removes the requirement that the state be responsible for all expenses incurred in the care and treatment of persons with contagious diseases for an unlimited length of time. Provides for the approval of laboratory test for AIDS.

Committee on Health.

By Reps. Perdue, Newton, and Spratt:

H. 167. To amend Code of Alabama 1975, §15-12-21 to change the provisions concerning payment and reimbursement of attorneys who are appointed to represent defendants in capital cases and to change the provisions concerning payment and reimbursement of attorneys who are appointed to represent defendants in cases which carry a possible sentence of life imprisonment without parole; and to amend Code of Alabama 1975, §15-12-23 to change the provisions concerning appointment, payment, and reimbursement of attorneys who represent defendants in initial post-conviction proceedings involving a judgment which includes a death sentence.

Committee on Judiciary.

By Rep. Williams:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Carter:

H. 169. To amend Sections 11-98-2, 11-98-4 and 11-98-5 of the Code of Alabama 1975, relating to emergency telephone service so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; to provide that such districts may receive certain property and make certain expenditures and designating the Alabama Emergency Management Agency as the State Coordinating Agency for emergency telephone service.

Committee on Public Utilities and Transportation.

By Rep. Carter:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances and to define crimes involving child sexual abuse for purposes of this act.

Committee on Judiciary.

By Rep. Zoghby:

H. 171. To create and provide for the Alabama Advisory Commission on Intergovernmental Relations, a permanent intergovernmental body to be

concerned with how to strengthen and facilitate relationships between the state government and local governments and to make an appropriation therefor.

Committee on Ways and Means.

By Reps. Zoghby and Layson:

H. 172. To amend Section 40-18-27, Code of Alabama 1975, which requires all taxpayers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual taxpayers age 65 years and older; and to provide a termination date.

Committee on Ways and Means.

By Reps. Zoghby and Layson:

H. 173. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Committee on Ways and Means.

By Reps. Zoghby and Layson:

H. 174. To further amend Section 40-18-19, Code of Alabama 1975, as last amended, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; to make the provisions retroactive to the calendar year; and to provide for a termination date.

Committee on Ways and Means.

By Reps. Zoghby, Gaston, Kvalheim, and Harper:

H. 175. To provide that all persons now employed by the University of South Alabama Medical Center who were employed by Mobile General Hospital may purchase credit for up to five years for such service under the State Employees' Retirement System.

Committee on Ways and Means.

By Rep. Zoghby:

H. 176. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

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WHEREAS, the residential use of such space is necessary to the primary use of such space as a place of work; now therefore,

Committee on Banking.

By Rep. Richardson (With Notice and Proof):

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Butler:

H. 178. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 179. To amend section 12-15-61, Code of Alabama 1975, relating to certain facilities used for detention and shelter care of children so as to provide further for such detention and shelter care to provide for subsidy by the state of certain costs thereof.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 180. To make an appropriation from the State General Fund to the YMCA-Cleveland Avenue Branch for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 181. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the fiscal year ending September 30, 1990 for educational purposes.

Committee on Ways and Means.

By Rep. Harper:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education

for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 183. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 184. To make an appropriation from the State General Fund to the Fort Gaines for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 185. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 186. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 187. To make an appropriation of \$25,000 from the State General Fund to the Desoto Commission for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 188. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 189. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending

September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 190. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 192. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Zoghby:

H. 194. To make an appropriation from the State General Fund to the Mobile Exploreum Children's Museum for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Harper:

H. 195. To provide for a supplemental appropriation from the Board of Examiners of Nursing Home Administrators Fund to the Board of Examiners of Nursing Home Administrators for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 196. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Board of Nursing for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 197. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1990, and

to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 198. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1990 for educational purposes.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 200. To make an appropriation from the State General Fund to the Parents Anonymous of Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 209. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 210. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 213. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for

the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 219. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 221. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 222. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 223. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for capital outlay for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 224. To make an appropriation from the State General Fund to the Child Advocacy Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 225. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 226. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 227. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September

30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 228. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 229. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 230. To make an appropriation from the State General Fund to the Brierfield Ironworks Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 231. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 232. To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 233. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990, for educational purposes.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 235. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 236. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 237. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Knight:

H. 238. To amend 16-24-5, Code of Alabama, 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Committee on Education.

By Reps. McClain and Rogers:

H. 239. To amend Section 40-17-240, Code of Alabama 1975, by adding Class 2, 3, 4, 5, 6, 7, and 8 municipalities in the coverage of said section so as to exempt said municipalities from state fuel taxes.

Committee on Ways and Means.

By Reps. Holmes, Rogers, McClain, McDowell, and Melton:

H. 240. To establish the Alabama Lottery Commission and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Lottery Advisory Committee; to create the office of the commissioner of the Alabama Lottery Commission; to prescribe the powers and duties of the commission and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sales of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; to make an initial appropriation, in the form of a loan, to the Alabama Lottery Commission for implementing the provisions of this act and to prescribe the manner of repayment of such funds;

to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, the state treasurer and the legislature; to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the commission; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require that contracts be made pursuant to the public bid laws; to require that the commissioner and commission personnel be subject to the Alabama ethics law; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of county or local taxes upon the proceeds of any prize awarded by the state lottery; to provide for state income taxation; to establish the Lottery Trust Fund; to prescribe criminal penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Reps. Holmes, Rogers, McClain and Melton:

H. 241. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to permit reciprocal agreements by general statute; to establish the Lottery Trust Fund; to provide for the proceeds; to repeal conflicting provisions; and to set a referendum.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Holmes, Rogers, McDowell, McClain, and Melton:

H. 242. To establish the Alabama Lottery Commission and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Lottery Advisory Committee; to create the office of the commissioner of the Alabama Lottery Commission; to prescribe the powers and duties of the commission and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sales of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; to make an initial appropriation, in the form of a loan, to the Alabama Lottery Commission for implementing the provisions of this act and to prescribe the manner of repayment of such funds; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, the state treasurer and the legislature; to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the commission; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require that contracts be made pursuant to the public bid laws; to require that the commissioner and commission personnel be subject to the Alabama ethics law; to prohibit

certain persons from purchasing lottery tickets or shares; to proscribe the levying of county or local taxes upon the proceeds of any prize awarded by the state lottery; to provide for state income taxation; to prescribe criminal penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Reps. Holmes, Rogers, McDowell, McClain, and Melton:

H. 243. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to permit reciprocal agreements by general statute; to provide for the proceeds; to repeal conflicting provisions; and to set a referendum.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hooper:

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

Committee on Ways and Means.

By Reps. Petelos, Wright, Knight, Hooper, Hammett, Seibels, Walker, Payne, Curry, Hill, Marks, and Box:

H. 245. To amend Section 36-25-27, Code of Alabama 1975, regarding criminal penalties for violations of Alabama's code of ethics statutes, so as to provide that the statute of limitations for criminal prosecutions shall be tolled either upon the start of an ethics commission investigation, or upon the receipt by the ethics commission of a written complaint of an alleged violation, whichever occurs first.

Committee on Judiciary.

By Reps. Harper and Cosby:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Reps. Bryant, Penry, Lindsey, and Richardson:

H. 247. To amend §3-1-10 which provides penalties for unlawfully or maliciously killing or injuring animals or things of value of another by removing the ceiling of \$1,000 in damages and changing the criminal penalty from six months to up to one year in the county jail.

Committee on Judiciary.

By Reps. Bryant, Lindsey, and Richardson:

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and

Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

Committee on Judiciary.

By Rep. White (L):

H. 249. To further provide for the distribution of net revenues relating to the sale of certain property, real or personal or mixed, seized, forfeited or confiscated as a result of the illegal sale of drugs or controlled substances, and amending Section 2 of Section 20-2-93, Code of Alabama 1975, as amended, and as last amended by Act No. 88-651, S. 94, 1988 Regular Session, relating to the seizure of certain property as a result of illegal drug or controlled substances sale, so as to include certain person or persons who furnished information or evidence which substantially led to the arrest and conviction of the illegal seller of such drugs and substances.

Committee on Judiciary.

By Rep. Venable:

H. 250. To provide the method by which active tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials of the various counties of this state may elect to participate in the state employees' retirement system if authorized by a constitutional amendment; to provide the amount of contribution required to purchase credit for previous service; and to provide a time limit within which such election must be made.

Committee on Ways and Means.

By Rep. Venable:

H. 251. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system; providing for an election between the state employees' retirement system and a county retirement system, if available; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and to provide that all such officials presently participating in the supernumerary program may continue therein.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable:

H. 252. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to the Council, including the Mayor, shall vote in its favor.

Committee on Local Government.

By Rep. Venable:

H. 253. To amend Sections 11-43-41 and 11-43-42, Code of Alabama 1975, relating to the procedure for filling vacancies in the offices of certain city officials, so as to provide further for such procedure.

Committee on Local Government.

By Reps. Venable, Campbell, and Breedlove:

H. 254. Proposing an amendment to Amendment No. 339 to the Constitution of Alabama of 1901, as amended, which provides for the sessions and length of regular sessions, so as to further provide therefor and providing for biennial appropriations; repealing Amendment No. 448 to the Constitution of 1901, as amended, which commonly is cited as the "Budget Isolation Amendment"; and providing for an election on ratification in accordance with the Constitution of 1901.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Cosby:

H. 255. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Committee on Small Business.

By Rep. Brooks:

H. 256. To further provide for the composition of elected county boards of education and elected city boards of education, so as to require five or more districts; amending Sections 16-8-1 and 16-11-2, Code of Alabama 1975, as amended, relating respectively to the composition of such elected board, so as to further provide therefor.

Committee on Judiciary.

By Rep. Beers:

H. 257. To provide immunity from civil liability for persons performing building inspection services for municipalities in the State of Alabama.

Committee on Judiciary.

By Rep. Beers:

H. 258. To allow divorced spouses to petition the court to receive a portion of their former spouses' military retirement pay even though the original decree did not grant any alimony, and to bring Alabama into conformity with the provisions of the "Uniformed Services Former Spouses' Protection Act."

Committee on Judiciary.

By Rep. Starkey:

H. 259. To amend section 10-11-2, Code of Alabama 1975, relating to immunity from civil liability for certain officers of nonprofit corporations, so as to include said officers appointed by mayors.

Committee on Judiciary.

By Rep. Starkey:

H. 260. To permit elected members of the Public Service Commission to participate in such state retirement plans that are established by law.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Rogers and Buskey (JL):

H. 261. To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

Committee on Judiciary.

By Reps. Rogers and Buskey (JL):

H. 262. To amend sections 37-2-80 and 37-2-81, Code of Alabama 1975, as amended, relating to signs, bells and other warning devices affecting public safety, so as to provide that such appropriate signs, signals and devices shall be applicable also where tracks cross public roads or highways in county jurisdictions.

Committee on Public Utilities and Transportation.

By Reps. Rogers, McClain, McDowell, Newton, and Spratt:

H. 263. To make an appropriation for the support and maintenance of Miles College for the 1989-90 fiscal year.

Committee on Ways and Means.

By Reps. Cosby, Lindsey, Carter, Richardson, Burke, Butler, Fuller, Breedlove, Blake, Williams, Thomas, Hooper, McMillan, Mikell, and White (L):

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Committee on Judiciary.

By Reps. Drake and Moon:

H. 265. To amend Section 12-17-213 of the Code of Alabama 1975, relating to supernumerary district attorneys, so as to provide further for qualifications for such office.

Committee on Judiciary.

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By Reps. Drake and Coburn:

H. 266. To provide that a buyer may cancel a mail or telephone solicitation sale for goods, property, real estate or services within a certain period of time and provides for exceptions.

Committee on Judiciary.

By Reps. Burke, Lindsey, Richardson, Cosby, Harvey, Ford, Marks, Hamilton, Johnson (RW), Holley, Dillard, Moon, Newman, Butler, Starkey, McClain, McDowell, Turnham, Hooper and Logan:

H. 267. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for high school seniors up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Ways and Means.

By Rep. Mikell:

H. 268. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as a result of acts committed within the scope of their employment, and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Committee on Judiciary.

By Rep. Mikell:

H. 269. To permit the use of blood test for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

Committee on Judiciary.

By Rep. Holley:

H. 270. To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

Committee on Public Utilities and Transportation.

By Reps. Carothers, Campbell, Fuller, Breedlove, Dillard, Coburn, Butler, Starkey, Carter, Ford, Mathis, and Beasley:

H. 271. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the grant of home rule powers to Alabama county governing authorities.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Carothers, Johnson (RG), Beasley, and Mathis:

H. 272. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

Committee on Health.

By Reps. Carothers, Beasley, and Mathis:

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-22-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

Committee on Health.

By Reps. Holley, Fuller, Poole, Layson, Wright, and Moon:

H. 274. To provide that entities which operate a hazardous waste minimization program shall be entitled to certain monetary rebates, to specify the amount of said rebate and to provide for the administration of said act.

Committee on Judiciary.

By Reps. Holley, Fuller, Poole, Layson, Wright, Moon, and Knight:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act.

Committee on Judiciary.

By Reps. Holley, Fuller, Poole, Layson, Wright, Knight, and Moon:

H. 276. To amend Act No. 88-872, H. 132, 1988 1st Special Session, relating to the imposition, collection and disposition of fees for the disposal of hazardous waste or hazardous substances, so as to increase said fees and

to provide that said fees shall be paid by the users of hazardous waste disposal facilities.

Committee on Judiciary.

By Reps. Holley, Poole, Layson, Wright, Moon, and Knight:

H. 277. To create a Waste Minimization and Environmental Educational Consortium, to provide expertise to industries and the public in the field of solid and hazardous waste and to develop environmental educational programs for Alabama schools; to provide for membership in said consortium, to constitute said consortium as a body corporate; to provide for management of the consortium; to provide for an Oversight Committee and to provide for contributions and annual expenditures by the governing authorities of member institution.

Committee on Judiciary.

By Reps. Harper and White (G):

H. 278. To amend Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Committee on Ways and Means.

By Reps. Harper and Cosby:

H. 279. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

Committee on Ways and Means.

By Reps. Marietta and Box:

H. 280. To provide for the suspension of drivers licenses of juveniles convicted of alcohol or controlled substances abuse.

Committee on Judiciary.

By Reps. Harper and White (G):

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 282. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time

and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets; with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 282, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newman (With Notice and Proof):

H. 283. Relating to Fayette County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 283, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newman (With Notice and Proof):

H. 284. Relating to Fayette County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 284, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Logan:

H. 285. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Box:

H. 286. To amend Section 14-3-36, Code of Alabama, 1975, to allow the Department of Corrections to dispose of property, money, or other things of value not authorized in the institution upon delivery or contraband, other than evidence, discovered in an inmate's possession while institutionalized, and the proceeds of items liquidated be deposited in the inmate welfare fund.

Committee on Judiciary.

By Reps. Fuller, Starkey, Hooper, Mathis, Cosby, Harvey, White (L), Johnson (RW), McMillan, Campbell, Thomas, Marietta, Zoghby, Gaston, Marks, Williams, Headley, and Butler:

H. 287. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State, so as to increase the minimum salaries provided in said Act by \$7,500.00 in each

population bracket, to change the designation for the largest population bracket from 135,000 to 120,000, and to provide an effective date at the beginning of such officials' next term of office.

Committee on Ways and Means.

By Reps. Fuller, Starkey, Headley, Mikell, Mathis, Cosby, Harvey, White (L), Johnson (RW), McMillan, Campbell, Thomas, Marietta, Zoghby, Gaston, Marks, Williams, and Flowers:

H. 288. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of their taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; so as to increase the fees allowed in said sections from \$2.50 to \$5.00.

Committee on Ways and Means.

By Rep. Dillard:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any such officer or employee shall be a member of any such county board of human resources.

Committee on Local Government.

By Reps. Cosby, Curry, Petelos, Kvalheim, Hill, White (G), Hammett, and Laird:

H. 290. To amend Sections 41-5-14 and 41-5-24, Code of Alabama, 1975 in order to authorize the department of examiners of public accounts to charge served entities for audit services, to appropriate fees collected and to reduce accordingly the General Fund appropriation to the Examiners of Public Accounts for FY 1989-90.

Committee on State Administration.

By Rep. Cosby:

H. 291. To make a supplemental appropriation of five million dollars (\$5,000,000) from the Public Road and Bridge Fund to the Department of Public Safety for the fiscal year ending September 30, 1990; to reduce the appropriation from the State General Fund to the Department of Public Safety by three million dollars (\$3,000,000) for the fiscal year ending September 30, 1990; and to provide for the transfer of five million dollars (\$5,000,000) to the Department of Public Safety from funds which are

appropriated to the State Highway Department from the Public Road and Bridge Fund for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Cosby:

H. 292. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Law Institute for the fiscal year ending September 30, 1990, for educational purposes, and adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

By Rep. Cosby:

H. 293. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Legislature for the fiscal year ending September 30, 1990, for educational purposes and to adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

By Rep. Cosby:

H. 294. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Reference Service for the fiscal year ending September 30, 1990, for educational purposes and adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

By Rep. Cosby:

H. 295. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the National Conference of State Legislatures for the fiscal year ending September 30, 1990, for educational purposes and adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

By Rep. Cosby:

H. 296. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Fiscal Office for

the fiscal year ending September 30, 1990, for educational purposes and adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

By Rep. Brooks:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Committee on Judiciary.

By Rep. Slaughter:

H. 298. To amend and revise the notice of appointment of personal representatives and to amend and clarify the non-claim statute by amending Ala. Code Sections 43-2-60, 43-2-61 and 43-2-350 (1975).

Committee on Judiciary.

By Rep. Brooks:

H. 299. To propose an amendment to the Constitution of Alabama providing for financial home rule for the City Board of Education for the City of Huntsville, Alabama, and which gives the Board of Education of the City of Huntsville, Alabama, the power to submit binding tax referendums for education revenues to the voters of the City of Huntsville, Alabama.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Brooks:

H. 300. Proposing an amendment to the Constitution of 1901, as amended, pursuant to Amendment No. 425 of said constitution, which authorizes the Madison County Board of Education, in Madison County, Alabama, to levy and collect additional sales or property taxes in the said school district for public educational purposes therein; specifying certain conditions and providing that said amendment shall be self-executing and requiring no further enabling legislation.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Haynes:

H. 301. To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order entered at the request of the department, except in cases where good cause not do so is determined by the court or there is an agreement between parties not to have immediate implementation of income withholding, and

to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

Committee on Judiciary.

By Reps. Haynes, Johnson (RG), and Rains:

H. 302. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

Committee on Health.

By Rep. Haynes (With Notice and Proof):

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 303, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall:

H. 304. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 54, 55, and 56 of the Code of Alabama 1975, as amended from time to time.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Laird:

H. 305. To amend Sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the fire fighters' standards and education commission, so as to establish a volunteer fire fighters' standards and education.

Committee on State Administration.

By Rep. Kvalheim:

H. 306. To amend Section 40-13-8, Code of Alabama 1975, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on

(i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

Committee on Ways and Means.

By Rep. Laird:

H. 307. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Hooper:

H. 308. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

Committee on Judiciary.

By Rep. Poole:

H. 309. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

Committee on Judiciary.

By Rep. Poole:

H. 310. To amend section 22-50-3, Code of Alabama 1975, to require that all funds of the department of mental health retardation be deposited in the state treasury.

Committee on Ways and Means.

By Reps. Penry, Box, and Clark (J):

H. 311. To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information

about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

Committee on State Administration.

By Reps. Brooks, Knight, Butler, Cosby, Seibels, Hooper, McMilan, Kvalheim, and Mikell:

H. 312. To amend Sections 16-25-20 and 36-27-25, Code of Alabama 1975, relating to investments made by the boards of control of the Teachers' Retirement System and the State Employees' Retirement System, so as to prohibit the boards from investing in the public media.

Committee on Ways and Means.

By Reps. Mikell, Buskey (JL), and Kvalheim:

H. 313. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

Committee on Health.

By Reps. Curry, Buskey (JL), and Kvalheim:

H. 314. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-63, 34-29-69, 34-29-71, 34-29-75, 34-29-77 and 34-29-94, Code of Alabama 1975, so as to add a veterinary technician member to the board and to restrict terms to two consecutive terms of four years; to authorize administrative fines by the board (\$250.00-\$1,000.00) and the institution of legal proceedings by the board; to eliminate temporary licensing after an 18-month period; to eliminate a one-time renewal fee on licenses; to exempt "veterinary interns"; and to allow reinstatement of active licenses for veterinarian technicians upon satisfactory proof of continuing education while on inactive status.

Committee on Health.

By Reps. Curry, Buskey (JL), and Kvalheim:

H. 315. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-140, 34-24-142, 34-24-145, 34-24-161 and

34-24-166, Code of Alabama 1975, so as to provide for a consumer member on the board; to provide board members the same per diem and travel allowance as is paid state employees; to require the board to adopt a continuing education program by October 1, 1991; to require the board to perform certain duties and functions transferred to it by Act 81-217, H. 213, 1981 Regular Session; to provide for a national examination of certain applicants; to authorize the board to adopt and collect administrative fines and to institute legal proceedings for disciplinary actions and to provide Class C misdemeanor punishment for unauthorized practice of chiropractic.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 316. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department with certain modifications; to repeal Section 27-7-25 so as to delete the requirement for temporary licensing of out-of-state applicants; to amend Sections 27-7-5, 27-7-7, 27-8-21, 27-7-23, 27-7-24, and 27-8-7, Code of Alabama 1975, so as to delete residency requirements for licensees of the department; to provide further for testing fees of the department; to allow the department to contract with testing services; and to restrict certain temporary licenses and to eliminate various other temporary licenses issued by the department after 36 months following passage of this act.

Committee on Insurance.

By Reps. Buskey (JL) and Kvalheim:

H. 317. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to repeal Section 39-20-3, Code of Alabama 1975, so as to remove reference to the healing arts board (now repealed); to amend Sections 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, Code of Alabama 1975, so as to increase the examination fee; to provide for an original licensure fee and to increase the fee for a temporary emergency permit; to increase the regular licensure fee; to increase the renewal license fee and to provide further for lapses in active licenses and to remove the requirement to publish lists of licensees by the board, except on request for a fee; to provide for a continuing legal education program by October 1, 1991; and to provide for administrative fines and the institution of legal proceedings by the board.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 318. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-215, and 34-24-216, Code of Alabama 1975, to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to phase out temporary licenses over a 36-month period; to require the board to establish a program of continuing

education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

Committee on Health.

By Reps. Knight, Buskey (JL), and Kvalheim:

H. 319. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide reciprocity for licensees from out-of-state who pass the examination; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 320. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, that he have no vote in licensure or disciplinary actions, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 321. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Sections 34-37-2, 34-37-3, 34-37-4, 34-37-6, 34-37-8, 34-37-10, Code of Alabama 1975, so as to authorize the board to adopt rules pursuant to the administrative procedures statutes and adopt disciplinary administrative fines and to institute legal proceedings; to provide for a consumer member on the board; to authorize the board to set the compensation of its secretary-treasurer according to state personnel regulations; to provide that state licensing prohibits local entities from also licensing such individuals, it requires certain proof of prior experience for advanced licenses, and requires registration of apprentices, and provides for licensure

not later than March 31, 1990, without examination under certain circumstances; to require continuing education by October 1, 1991, and making it a requisite for license renewal after that date; and to eliminate temporary revocable certificates 18 months after passage of this act.

Committee on State Administration.

By Reps. Buskey (JL) and Kvalheim:

H. 322. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36 and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

Committee on State Administration.

By Reps. Buskey (JL) and Kvalheim:

H. 323. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-2, 34-14-4, 34-14-5, 34-14-6, 34-14-7, 34-14-9, 34-14-10, 34-14-11, 34-14-30, and 34-14-31, Code of Alabama 1975, so as to prohibit practice of hearing aid dealers during grace period for license renewal; to specify the state board of health shall receive certain lists and statements; to specify the board determines qualifications of applicants for licensure; to remove specific examination subjects and allow a national examination; to require a continuing education program by the board by October 1, 1991; to phase out temporary licenses over an 18-month period; to specify certain disciplinary powers of the state board of health and to authorize administrative fines, and the institution of legal proceedings; to require a doctor's examination six months prior to hearing aid fitting for persons under age 18; to specify the state board of health's powers of revocation and suspension of licenses; to provide a consumer member of the board; and to authorize the board to adopt rules relating to adequacy of qualifications of applicants for licensure and for their examination.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 324. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-23, 34-25-24, 34-25-25, 34-25-28, 34-25-32 and 34-25-36, Code of Alabama 1975, so as to define chairman of the board; reduce board members from 5 to 3 voting members and 2 advisory consultants; provide for employees of the board; transfer all functions, records, equipment, documents, funds and responsibilities of the board to the public safety department; create a polygraph examiners revolving fund in the state treasury; provide purchases will be made pursuant to the state bid law; authorize the board to seek restraining court orders; provide surety bonds of licensees in an amount set by the board; provide for applications for licensure to be made to the board and for fees for out-of-state applicants; authorize the board to issue internship

licenses; require changes of address be given in writing to the board; provide for oral examinations of applicants; and authorize the board to revoke and restore licenses.

Committee on State Administration.

By Reps. Buskey (JL) and Kvalheim:

H. 325. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to repeal Section 34-24-274 to eliminate certain requirements that the probate judge receive and publish lists of licensees of the board, and to amend Sections 20-2-2, 34-24-251, 34-24-252, 34-24-253, 34-24-254, 34-24-255, 34-24-256, 34-24-257 and 34-24-274, Code of Alabama 1975, so as to add the Board of Podiatry as a certifying board under the controlled substances statute; to require a majority of the board members shall constitute a quorum; to authorize administrative fines and the institution of legal proceedings by the board for disciplinary action; to grant the same per diem and travel allowance to board members as is paid to state employees; to authorize the board to set bonds at \$10,000.00; to provide applicants be at least 19 years of age or such age as the board by rule shall determine; and to authorize separate application and examination fees and nonrefundable reexamination fees be established by the board; and to eliminate the requirement that applicants' examination papers be deposited with the archives and history department; and to provide for nonrefundable reexamination fees.

Committee on Health.

By Reps. Buskey (JL) and Kvalheim:

H. 326. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-21, 34-21-22, 34-21-23, and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to eliminate temporary permits after a 36-month period; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

Committee on Health.

By Reps. Kvalheim and Buskey (JL):

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15 and 34-9-41, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; and to reimburse board members' per diem and travel expenses at the same rate paid to state employees.

Committee on Health.

By Reps. Kvalheim and Buskey (JL):

H. 328. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and Medical Licensure

Commission with certain modifications; to amend Sections 34-24-77 and 34-24-336, Code of Alabama 1975, so as to correct a conflict in statutes regarding non-refund of fees by the board; and to adopt a program of continuing medical education by October 1, 1991, and to make successful completion of said program a requisite of license renewal after said date.

Committee on Health.

By Rep. Cosby:

H. 329. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Council for the fiscal year ending September 30, 1990, for educational purposes and adjust the General Fund appropriation accordingly.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. White (L):

H. J. R. 12. COMMENDING ELDON SHARPE FOR DISTINGUISHED SERVICE TO TALLAPOOSA COUNTY AND TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama, in commendation and esteem, notes the outstanding public service rendered by Eldon Sharpe to Tallapoosa County and the State of Alabama for the past 27 years; and

WHEREAS, Eldon Sharpe, who served as Judge of Probate for Tallapoosa County from March 28, 1979, to January 15, 1989, also was a member of the Alabama House of Representatives from January until March 1979; and

WHEREAS, prior to that, however, Judge Sharpe served his first public tenure as Tallapoosa County Treasurer, 1963-1967, and then, from 1967 to 1979, as county Tax Assessor; and

WHEREAS, Judge Sharpe is indeed one of our state's most prominent citizens, and one who has served long and well to the good of county and state, and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a distinguished and honorable career as county treasurer, tax assessor and state representative, and as Judge of Probate, Tallapoosa County, Alabama, we hereby commend Eldon Sharpe, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Rep. White (L):

H. J. R. 13. COMMENDING HILDA K. PRITCHARD FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

WHEREAS, Hilda K. Pritchard of Jackson's Gap, Alabama, served as Town Councilmember from 1985 to 1988; and

WHEREAS, Hilda Pritchard, who discharged her responsibilities with utmost diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, Hilda Pritchard also continued her leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Hilda K. Pritchard of Jackson's Gap, Alabama, and do further direct that she receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Rep. White (L):

H. J. R. 14. COMMENDING BARBARA BAXLEY FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

WHEREAS, Barbara Baxley of Jackson's Gap, Alabama, served as Town Councilmember from 1984 to 1988; and

WHEREAS, Barbara Baxley, who discharged her responsibilities with utmost diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, Barbara Baxley also continued her leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Barbara Baxley of Jackson's Gap, Alabama, and do further direct that she receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Rep. White (L):

H. J. R. 15. COMMENDING R. W. CLAYBROOK FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

WHEREAS, R. W. Claybrook of Jackson's Gap, Alabama, served as Town Councilmember from May 5, 1987 to September 1988; and

WHEREAS, Mr. Claybrook, who discharged his responsibilities with utmost diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, R. W. Claybrook also continued his leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend R. W. Claybrook of Jackson's Gap, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Rep. White (L):

H. J. R. 16. COMMENDING ELGIN HARRIS FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

WHEREAS, Elgin Harris of Jackson's Gap, Alabama, served as Town Councilmember from 1980 to 1985 and in mayoral capacity from January 8, 1985 to September 1988; and

WHEREAS, Mayor Harris, who discharged his responsibilities with utmost diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, Mayor Harris also continued his leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Elgin Harris of Jackson's Gap, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Rep. White (L):

H. J. R. 17. COMMENDING RAYFIELD WISE OF CAMP HILL, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND LEADERSHIP.

WHEREAS, the Legislature of Alabama, in gratitude and highest esteem, notes the distinguished service of Rayfield Wise in municipal leadership of Camp Hill, Alabama; and

WHEREAS, a member of the Camp Hill City Council for the past 12 years, Mr. Wise, since October 1976, has worked with great dedication and diligence toward a goal of progress and prosperity for the Camp Hill community and its citizens, striving to provide and expand essential city services within fiscal means; and

WHEREAS, the citizens of Camp Hill, Alabama, are indeed indebted to Councilman Wise and are grateful for his distinguished leadership for the past 12 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Rayfield Wise for outstanding community service as a member of the Camp Hill, Alabama, City Council, and do further direct that he receive a copy of this resolution of highest honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Rep. White (L):

H. J. R. 18. COMMENDING FRANK GEORGE HOLLEY FOR DISTINGUISHED SERVICE AS MAYOR OF CAMP HILL, ALABAMA.

WHEREAS, in highest commendation and esteem, the Legislature of Alabama notes the invaluable service rendered by Frank George Holley during his distinguished tenure as Mayor of Camp Hill, Alabama; and

WHEREAS, Mayor Frank Holley, for the past twelve years, not only provided his community with outstanding leadership, but was instrumental as well in the establishment of a number of programs that have worked greatly to the good and progress of Camp Hill and all citizens thereof; and

WHEREAS, Mayor Holley is indeed an exemplary public servant whose three terms in office have resulted in increased services and benefits for the residents of Camp Hill who are deeply grateful for his dedicated commitment to duty and for the incomparable leadership he has provided on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as Mayor of Camp Hill, Alabama, we hereby commend Frank George Holley, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. White (L):

H. J. R. 19. COMMENDING JESSIE W. SIMS FOR OUTSTANDING SERVICE AND LEADERSHIP.

WHEREAS, the Legislature of Alabama, in highest honor and esteem, notes the distinguished tenure of Jessie W. Sims in municipal leadership of Camp Hill, Alabama; and

WHEREAS, Mrs. Sims, who was first elected to the Council in October 1975, was subsequently re-elected to two additional four-year terms for a total of 12 years that have proved to be a period of great progress and advancement for Camp Hill and its citizens; and

WHEREAS, with the interests of her fellow citizens always a priority, Mrs. Sims worked tirelessly to provide increased and improved services for

all residents and, through such faithful leadership, played a key role in the continued growth of Camp Hill over the past 12 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as an exemplary public servant, we hereby commend Jessie W. Sims of Camp Hill, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Rep. White (L):

H. J. R. 20. CONGRATULATING THE NEW SITE HIGH SCHOOL WARRIORS ON THEIR ACCOMPLISHMENTS OF THE 1988 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the New Site High School Warriors on their winning football season and their advance to the second round of the State 1A Playoffs; and

WHEREAS, under Coaches Mike Boyd, Bobby Reynolds and Greg Shelton the mighty Warriors finished 6-4 in regular season play and following their defeat in the first round of State 1A competition, posted a 7-5 record, overall, for 1988; and

WHEREAS, the New Site Warriors, each of whom greatly contributed to their successful season, are Kerry Hawkins, Pat Oliver, Eddie Hunter, Lee Banks, Brad Browning, Shane Spates, Amos Battle, Jamie Kimbrel, Emory Malone, Brent Vickers, Tim Garza, Tommy Butler, Brandon Black, Michael Wyckoff, Rodney Freeman, Brad Patterson, Derick Burns, Michael Russell, Jeremy Robinson, Stuart Cummings, John Coger, Robert Edwards, Ken Peters, Clarence Lyons, and Demetrius Toler; and

WHEREAS, also to be credited for their support and encouragement of the team are Barry Jones and Jerry Peters, volunteer assistants; Dr. Robert Bartel, team doctor; Phillip Johnson, Jimmy Sprayberry, Andy Kinmon, Wally Jacobs and Toby Hanson who served as managers; Katie Boyd, team mascot; Ronda Boyd, cheerleader sponsor; and varsity cheerleaders Lisa Gamble (head), Sophia Wilkes (co-head), Michelle Hanson, Kenyota Edwards, Sonjola Burns, Wanda Edwards and Debbie Boswell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the 1988 New Site Warriors football team, and direct that copies of this resolution be forwarded to Dr. Terry Speake, principal, for appropriate presentation and school display.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Rep. White (L):

H. J. R. 21. COMMENDING RUTH BELYEU JOHNSON FOR OUTSTANDING SERVICE AS CIRCUIT CLERK, 5TH JUDICIAL CIRCUIT.

WHEREAS, Ruth Belyeu Johnson, a lifelong resident of Tallapoosa County, Alabama, has rendered faithful and dedicated service as circuit clerk, 5th Judicial Circuit, for the past 12 years; and

WHEREAS, Mrs. Johnson, who was married for 26 years to the late Harold Johnson, a prominent Reeltown, Alabama, cattleman, is a former bookkeeper for an Alexander City business firm and is an active member of Reeltown Baptist Church; and

WHEREAS, sworn in as Circuit Clerk in January 1977, Mrs. Johnson served continuously in that position until her retirement in January 1989, discharging her responsibilities with steadfast diligence and as a valued public servant whose integrity was beyond reproach; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the 5th Judicial Circuit as Circuit Clerk from 1977-1989, we hereby most highly commend Ruth Belyeu Johnson, for whom a copy of this resolution of appreciation and esteem shall be provided.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Rep. White (L):

H. J. R. 22. COMMENDING WOOD GASTON, JR., FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

WHEREAS, Wood Gaston, Jr., of Alexander City, Alabama, served as a member of the City Council from 1980 to 1988; and

WHEREAS, Councilman Gaston, who discharged his responsibilities with diligence, was a valued public servant whose integrity was beyond reproach, and whose terms in office reflect his steadfast commitment to serving others; and

WHEREAS, in addition to the weighty responsibilities of public office, Wood Gaston continued a leadership role within the community through activities in a number of civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Wood Gaston, Jr., of Alexander City, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

By Rep. White (L):

H. J. R. 23. COMMENDING HORACE PATTERSON FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

WHEREAS, Horace Patterson of Alexander City, Alabama, served as a member of the City Council from 1980 to 1988; and

WHEREAS, Councilman Patterson, who discharged his responsibilities with diligence, was a valued public servant whose integrity was beyond reproach, and whose terms in office reflect his steadfast commitment to serving others; and

WHEREAS, in addition to the weighty responsibilities of public office, Horace Patterson continued a leadership role within the community through activities in a number of civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Horace Patterson of Alexander City, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

By Rep. White (L):

H. J. R. 24. COMMENDING JAMES RAY YARBROUGH FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

WHEREAS, James Ray Yarbrough of Dadeville, Alabama, served as a member of the Dadeville City Council for a period of five years, first by appointment in 1983 and through election for the 1984-1988 term; and

WHEREAS, Councilman Yarbrough, who discharged his responsibilities with diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, Mr. Yarbrough also assumed a leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend James Ray Yarbrough of Dadeville, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Rep. White (L):

H. J. R. 25. COMMENDING HUGH OWEN FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

WHEREAS, Hugh Owen of Dadeville, Alabama, served as a member of the Dadeville City Council from 1984 to 1988; and

WHEREAS, Councilman Owen, who discharged his responsibilities with diligence, was a valued public servant whose integrity was beyond reproach; and

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WHEREAS, in addition to the weighty responsibilities of public office, Mr. Owen also assumed a leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Hugh Owen of Dadeville, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

By Rep. White (L):

H. J. R. 26. COMMENDING HIRAM TAYLOR FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

WHEREAS, Hiram Taylor of Dadeville, Alabama, served as a member of the Dadeville City Council from 1984 to 1988; and

WHEREAS, Councilman Taylor, who discharged his responsibilities with diligence, was a valued public servant whose integrity was beyond reproach; and

WHEREAS, in addition to the weighty responsibilities of public office, Mr. Taylor also assumed a leadership role within the community through activities in numerous civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Hiram Taylor of Dadeville, Alabama, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Rep. White (L):

H. J. R. 27. CONGRATULATING THE BENJAMIN RUSSELL HIGH SCHOOL WILDCATS ON THEIR OUTSTANDING 1988 FOOTBALL SEASON.

WHEREAS, in highest commendation, the Alabama Legislature extends congratulations to Coach Steve Savarese and the Benjamin Russell High School Wildcats on their spectacular 1988 football season and the team's advancement to the 2nd round of the Class 6A State Football Playoffs; and

WHEREAS, under the skillful leadership of Coach Savarese and his Assistant Coaches, Dwight Buzbee, Brent Cottrell, John Elliott, Mark Laseter, Willie Martin, Gary Powell, Tim Eason, Paul Carney, Mike Craft, Sammy Teel, Henry Hicks and Wade Spradlin, BRHS posted a phenomenal 11-1 overall record, a performance that reflects the dedication and will-to-win spirit of the ferocious Wildcats; and

WHEREAS, contributing greatly to Benjamin Russell's '88 season were Wildcats Hurell Adair, Jeff Adair, Michael Allen, Mitch Allen, Phillip Allen, Sabastian Benson, Terrance Benson, Norman Bernard, Latravious Black, Todd Blanks, Robert Boleware, Alexander Booker, Kenny Brooks, Doug Brown, Jim Brown, Stephen Butler, Keith Caffey, Cam Caldwell, Rodney Calhoun, George Coley, James Coley, Todd Dean, William Dillard, Christian Dunaway, Billy Fairchild, Steven Fleeting, David Ford, Brandon Foshee, Greg Fuller, Brian Gardner, Steven Glenn, Randall Harrell, Joe Harris, Andres Hicks, Stephon Hicks, Antonio Holley, Brian Holley, Burlanda Holley, Kelley Holley, Scott Hurst, Skyla Hutchins, Bernard Kelley, Jeff Kelley, Cedric Kendrick, DeWayne Kendrick, Donnie Kendrick, Ryan King, Marcus Knight, Barry Lassmann, Michael Loyd, Mitchell Loyd, Kenny Machen, Jay Maddox, John Marable, Scotty Marbury, Anthony Martin, Jimmy Martin, Orenthal Martin, Shawn Maxwell, Chris McKinney, Ken Miller, Anthony Milner, Fred Milner, Scott Moody, Joe Nappier, Fred Neighbors, Jim Nelson, Alfred Owens, Michael Owens, Carl Russell, Joe Russell, Steven Russell, Steve Sansom, Corey Slagle, Shay Thompson, Tom Torgerson, Michael Vines, Bubba Waldrop, Eric Ware, Jason Weathers, Don Wright and Rodney Zackery; and

WHEREAS, also playing a big part in the Wildcats' success were Managers Fred Graham, Keith Smith, Chris Nabors, Chris Royal and Shane Boos, while Steve Tyson served as trainer and Melissa Brooks as "Alex"; the Varsity Cheerleaders, sponsored by Jane Buzbee, were head cheerleader Wendy Cheatham, cohead cheerleader Shannon Dean, along with Danie McCollough, Jennie Parker, Jerrie Parker, Evelyn Parker, Serena Jordan, Alison Foshee, Kelli Adams, Samantha Scroggins, Tammy Cain and Krystal Brown, and the Junior Varsity Cheerleaders, under Sponsor Marie Parks, were Lynley Davis (head), Vickie Nelson (cohead), Sandi Corley, Karla Blankenship, Allison Sanders, Melanie Worthy, Amy Barrett, Rachel Sokol, Rachel Messer and Claudia Dozier; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Steve Savarese, his staff and Benjamin Russell High School on their outstanding football season, and direct that copies of this resolution be forwarded to Dr. David Dunaway, principal, and Dr. Paul Fanning, superintendent, for appropriate presentation and school display.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Rep. White (L):

H. J. R. 28. COMMEMORATING THE BATTLE OF HORSESHOE BEND.

WHEREAS, March 27, 1989, a significant date in the annals of Talapoosa County, one state and nation, marks the 175th Anniversary of the Battle of Horseshoe Bend; and

WHEREAS, it was in 1814 and on that site, now Horseshoe Bend National Military Park as authorized by Congress in 1956 and established by presidential proclamation in 1959, that the defeat of the Upper Creek Indians by Andrew Jackson's forces opened up Alabama for westward expansion, settlement, and eventual statehood; and

WHEREAS, leading up to the Battle of Horseshoe Bend was the Creek War, which began in 1813 as a war between the Upper Creeks or "Red Sticks," who followed the teachings of the great Shawnee Indian, Tecumseh, and vowed to fight for their lands, and the Lower Creeks who leaned toward the acceptance of Americans and their way of life; and

WHEREAS, when the Americans, fearing the Red Sticks, joined the fighting, the Upper Creeks abandoned their fight against the Lower Creeks to wage war against the Americans; and

WHEREAS, in retaliation for an American attack at Burnt Corn Creek, the Red Sticks attacked Fort Mims on the Alabama River, killing more than 250 men, women and children; other battles followed, and confrontations continued even as General Andrew Jackson of the Tennessee Militia pushed southward toward Horseshoe Bend where nearly 1,000 Indian warriors had gathered to defeat the attacking army; and

WHEREAS, beginning in the morning hours of March 27, 1814, the Battle of Horseshoe Bend raged throughout the day, with split forces attacking the Indians from both front and rear, and with the end of the battle and victory for Jackson's army, came the end of the Creek Nation; and

WHEREAS, it was thus that the Battle of Horseshoe Bend decided the lives and futures of many Americans, both red and white, and the battlefield is today preserved and protected as the historic site of the last major battle of the Creek Indians, and of a wilderness that is now called Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recall the heritage of our state through the observance of the 175th Anniversary of the Battle of Horseshoe Bend, and do further urge the citizens of Alabama to participate in the commemorative events and activities, March 25-26, at Horseshoe Bend National Military Park, Alabama's first national park and the only site within the national park system commemorating the Creek Indian War.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

By Rep. White (L):

H. J. R. 29. CONGRATULATING THE REELTOWN HIGH SCHOOL 1988 FOOTBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama extends congratulations to the Reeltown High School Rebels on their outstanding 1988 football season and on their advance to the third round of the State 2A Playoffs; and

WHEREAS, the Reeltown Rebels, with a solid 8-2 record in regular season play, were led to the Playoffs by Head Coach Jackie L. O'Neal and his Assistant Coaches, Ronnie Hammonds and Kevin Miller; the team then soundly defeated Highland Home and Alabama Christian, 21-0 and 39-6, respectively, in the first and second rounds of State competition, finishing with an outstanding 10-3 record overall; and

WHEREAS, the Reeltown Varsity lineup, with each player playing an important roll in the Rebels' winning season, includes Scott Slaughter, Cory

O'Neal, Marcus Heard, Willie McKenzie, Steve May, Tracy Holstick, Chris May, Robbie Harris, Kenyatta Silcott, Tracy Potts, Larry Foy, Matt Dunaway, David Giles, Windell Carlisle, Keith Fallin, Darrell Heard, Kelly Jaye, Clint Stroud, Rushin Giddens, Travis Lee, Daryl Butler, Barry Nelson, Clarence Heard, Calvin Shaw, Eric Dillard, Reginald Pruitt, Robbie Elkins, Tim Beasley, Antonio Love, Wade Mancil, Bryan Meadows, Michael Walton, Michael Nelson and Travis Hughley; and

WHEREAS, also contributing to the Rebels' successful season were Chris Ledbetter, volunteer assistant; Chad Abrams, trainer; managers Chris Hornsby, Jason Mathis, Denny Newman, Brad Grant and Winston Kelly; Jessie Slaughter, cameraman; statisticians Doug Lee and Jeffery Durham; announcer Joe Fred Ledbetter; and cheerleaders Pam McCarty (head), Tabitha Stovall, Toni Pierce, Jackie Creel, Randa Meadows and Sharon Bennett, sponsored by Abby Burney; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby most highly commend and congratulate Coach O'Neal, his staff and the 1988 Reeltown football varsity, and do further direct that copies of this resolution be forwarded to Principal Michael Walton for appropriate presentation and school display.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Rep. Harvey:

H. J. R. 30. COMMENDING COACH MAURICE CARKUFF ON HIS OUTSTANDING CAREER.

WHEREAS, in consensus of commendation, the Legislature of Alabama notes the accomplished career of Maurice Carkuff, head football coach at Oneonta High School for the past four years and the Gadsden Times' State 3A Coach of the year for 1987; and

WHEREAS, a native of Hickman County, Tennessee, Coach Carkuff boasts a 133-50-1 career record, including three losing seasons at Lamar, and in his four seasons at Oneonta is a phenomenal 49-5, with only two regular season losses; he also is 12-4 in the Playoffs and his Oneonta teams have never lost a league game; and

WHEREAS, Oneonta, in 1988, was reclassified up to 4A, beginning the season as the smallest 4A school in Alabama and with heavy losses in their starting lineup due to graduation; despite these odds, however, OHS finished this past season undefeated and beat the defending 4A champions in the Playoffs before losing to powerhouse Colbert County; and

WHEREAS, Coach Maurice Carkuff, Associated Press pick for Alabama 4A Coach of the Year, 1988, is indeed an outstanding high school coach who has distinguished himself among his professional peers; and

WHEREAS, in addition to his coaching ability, he also is a firm disciplinarian who instills confidence in his players, and one who stresses upon his young athletes such virtues as fair play, integrity and character; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

Coach Maurice Carkuff for outstanding professional achievement and contributions to high school athletics, and do further direct that he receive a copy of this resolution of warmest personal regard.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Rep. Beasley:

H. J. R. 31. RECOGNIZING WITH COMMENDATION, THE ESTABLISHMENT OF THE SOUTHEAST ALABAMA AGRICULTURE EXPERIMENT STATION AND SCHOOL.

WHEREAS, a branch agricultural experiment station and agriculture school to be known as the Southeast Alabama Agricultural Experiment Station and School, and a branch in north Alabama, were established by the Legislature upon approval of Act No. 579 on February 28, 1889, and for the first time ever, free education was made available by the state; and

WHEREAS, funded by a \$3,000 state appropriation for the 1889-90 term, the school opened in the fall of 1889 at Abbeville, which was referred to as "the educational center of the Southeastern United States" by the Abbeville Times; Headmaster Joseph Espy and other distinguished educators comprised the faculty of the "agricultural college," as it was commonly called, and a number of local boarding houses were opened to accommodate students from five Alabama counties and three states; and

WHEREAS, by the time of the first commencement in June 1890, the school had 227 students and a faculty of four; and

WHEREAS, as a result of continued state funding, as well as private donations the cornerstone for a long anticipated new school building was laid in January 1897 on a 40-acre tract; the first commencement in the new building was held in June 1898 with the first new school year beginning in August of that year; and

WHEREAS, the Southeast Alabama Agricultural School, which has survived for 100 years and undergone several name changes, is today known as Abbeville High School and provides schooling for the northern half of Henry County's student population, grades 7-12; and

WHEREAS, February 28, 1989, is thus an eventful date in Alabama, denoting a significant milestone in the history of free education in our state, and is therefore an occasion to be noted accordingly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially recognize the 100th Anniversary of the Southeast Alabama Agricultural Experiment Station and School, and do further urge and support appropriate commemorative observances of this momentous occasion.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

By Rep. Bugg:

H. J. R. 32. RECOGNIZING THE WISTERIA CLUB OF GADSDEN AND THE CONTRIBUTIONS OF ITS MEMBERSHIP TO THE ENRICHMENT OF YOUNG LIVES.

WHEREAS, the Wisteria Club of Gadsden, Alabama, was established for the worthy purpose of enhancing the cultural, spiritual, moral and educational standards of the community, and its membership remains steadfast in their dedication toward these goals; and

WHEREAS, ever mindful of the responsibilities they have assumed, members of the Wisteria Club, with the support of friends, patrons and the community, biennially honor a select group of young debutantes who, prior to their debut, have participated in a series of activities, designed and sponsored to aid each young lady in achieving religious, cultural and social growth; and

WHEREAS, the Wisteria Debutante Ball, staged in a setting of grace and charm, is the fruition, or the Omega, of the maturational experience and a positive achievement by these exemplary young ladies who are dedicated to goals of continuing achievement and further contributions to society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the enhancement of standards within the community, we hereby commend the membership of the Wisteria Club of Gadsden, Alabama, whom we hold in highest honor and esteem, and to whom a copy of this resolution shall be provided.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

By Rep. Bugg:

H. J. R. 33. COMMENDING DAWN MACKEY.

WHEREAS, in a desire to recognize achievement by young Alabamians, the Legislature notes the outstanding musical accomplishments of Dawn Mackey, Etowah County, Alabama; and

WHEREAS, the daughter of Mr. and Mrs. David R. Mackey, Dawn is a very talented young musician who began playing the saxophone as a fourth grade student at Westminster Christian School, using a 50-year-old instrument that was played before her by her father and grandmother, as well as by a great uncle; and

WHEREAS, Dawn Mackey, a member of the Gaston High School Band as a sophomore and junior, also played in the 1987 and 1988 All State Honors Bands, and the Jacksonville State University District Honor Band; and

WHEREAS, Dawn further has received a number of honors recognizing her outstanding talent and ability, placing second of 27 in the 1987 district try-outs for All State and, as a sophomore, placed third of six in the JSU District Honor Band try-outs and, the following year, was second out of nine; and

WHEREAS, Dawn Mackey, who aspires to a career in writing, hopes to earn a music scholarship at Gadsden State Community College where the band is directed by the renowned Rip Reagan, formerly at Emma Sansom where Dawn's father and grandmother were members of that high school's famous marching band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dawn Mackey for outstanding accomplishment, and wish her every success in pursuit of her education at Gadsden State and later at the University of Alabama.

BE IT FURTHER RESOLVED, That in token of our esteem, a copy of this resolution shall be forwarded to Miss Mackey.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Bugg:

H. J. R. 34. CONGRATULATING COACH JERRY SMITH AND THE SARDIS HIGH SCHOOL LIONS ON THEIR OUTSTANDING FOOTBALL SEASON.

WHEREAS, the Alabama Legislature most heartily congratulates and commends the Sardis High School Lions on their spectacular football season and their advance to the second round of the 1988 State 3A Playoffs; and

WHEREAS, under Head Coach Jerry Smith's brilliant leadership, the Lions won their first seven games, outscoring their opponents better than 3-to-1, and were ranked by the Alabama Sportswriters Association as number one among all State 3A Teams; and

WHEREAS, the Lions, roaring ahead, then polished off St. Clair County, Glencoe and Crossville to finish 10-0 in regular season play; in the 3A State Playoffs, Sardis advanced to the second round and with their victory in first round competition ended with a fantastic 11-1 record overall; and

WHEREAS, the Sardis High School Lions, Class 3A Area 10 Champions, are indeed deserving of highest praise for their 1988 accomplishments on the gridiron against a formidable lineup of powerhouse opponents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Coach Jerry Smith, his staff and the Area 10 Sardis Lions for outstanding achievement, and do further direct that copies of this resolution be forwarded to Coach Smith for appropriate presentation and school display.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Rep. Gaston:

H. J. R. 35. COMMENDING LAURA ELIZABETH DAVIS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest regard the numerous and outstanding accomplishments of Laura Elizabeth Davis of Mobile, Alabama; and

WHEREAS, Miss Davis, who is a very versatile and talented young lady, also is academically superior, having ranked first in her senior class at

Mobile's W. P. Davidson High School and earning membership in the National Honor Society; and

WHEREAS, she also served as senior class treasurer, was a member of the varsity tennis team, and received a "superior" rating at the State Piano Festival; and

WHEREAS, Miss Davis further was elected junior class beauty; served as a 1989 Azalea Trail Maid; and was chosen 1989 Mobile County Junior Miss first runner-up and overall school achievement winner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Laura Elizabeth Davis of Mobile, as one of Alabama's most outstanding young citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Miss Davis that she and her parents, Mr. and Mrs. Wayne Davis may know of our sincere regard and warm best wishes for her every future success in life.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Rep. Gaston:

H. J. R. 36. COMMENDING HAROLD PARKER JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY LEADERSHIP.

WHEREAS, an eminent scholar, Harold Parker Jones of Mobile received the B.S. degree from Rhodes College where he majored in biology, graduating with honors and distinction; he also holds a Ph.D. degree in biochemistry from Duke University and is associate dean of the College of Allied Health Professions and a professor in the Department of Biomedical Sciences at the University of South Alabama; and

WHEREAS, Dr. Jones, who was named Scholar of the Year by the University of South Alabama Alumni Association in 1988, was elected to membership in Phi Beta Kappa in 1973 and to Phi Kappa Phi in 1987; and

WHEREAS, he further served as chairman of the Health Sciences Section, Alabama Academy of Science, 1984-1985; is the author of more than 25 scholarly articles published in scientific journals; and, as the recipient of two research grants, is currently studying the role of oxygen radicals in human disease; and

WHEREAS, in addition to his many professional responsibilities and pursuits, Dr. Jones has served the community as team manager of Dixie Youth Baseball, as vice president of John Will Elementary School PTA, as a deacon of Alpine Hills Church of Christ, and through involvement in numerous other civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Harold Parker Jones of Mobile, Alabama, for outstanding professional achievement and community leadership, and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Reps. Moon and Rains:

H. J. R. 37. NOTING WITH COMMENDATION THE NATIONAL HONORS ACCORDED MARSHALL TECHNICAL SCHOOL'S AUTOMOTIVE TECHNOLOGY PROGRAM.

WHEREAS, the Alabama Legislature notes with great pride and pleasure the selection of the Automotive Technology Program at Marshall Technical School in Guntersville, Alabama, as the national winner of the American Vocational Association's Award for Excellence in Automotive Service Programs; and

WHEREAS, this prestigious award, which is given to only one secondary and one post-secondary school program each year, was awarded to the Marshall Technical School program for excellence in such areas as placement, course of study, testing and grading procedures, instructor's qualifications, equipment, facilities and involvement of a craft committee; and

WHEREAS, under the guidance of Jackie Bolton, who is NATEF certified and MTS program instructor since its establishment in 1968, Marshall students have traditionally been winners in numerous local, state and national skill olympic contests, and their placement rate is ranked highest in the State of Alabama; he also has been honored as Alabama's Advisor of the Year, and this recognition and the success of his students both reflect his outstanding ability and firm commitment to educational excellence; and

WHEREAS, we further note that Marshall Technical School is the first Alabama school ever to win this national award and much of the credit for this accomplishment results from the ongoing support of the Marshall County, Albertville City, Arab City and Guntersville City Boards of Education, as well as the leadership of the superintendents of each system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mr. Bolton and the Automotive Technology Program at Marshall Technical School and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 37, was adopted.

Also:

By Rep. Frazier:

H. J. R. 38. COMMENDING REPRESENTATIVE STEVE FLOWERS OF TROY.

WHEREAS, Steve Flowers of Troy, Pike County, Alabama, has served as a member of the Alabama House of Representatives since his election in November 1982; and

WHEREAS, during this distinguished tenure, Representative Flowers has served the state wisely and well, and has worked tirelessly as a member of a number of important House committees; he also has sponsored and

supported considerable and meaningful legislation to the benefit of district and state, and to all citizens thereof; and

WHEREAS, Steve Flowers, in additional contribution, has worked toward a goal of unanimity within the membership of this body, and has consistently acknowledged the accomplishments, diligence and expertise of his fellow legislators, in both the House and the Senate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein pay highest tribute to our colleague, Representative Steve Flowers of Troy, and direct that he be presented with a copy of this resolution, executed in deep admiration, appreciation and esteem.

On motion of Rep. Frazier, the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Rep. Frazier:

H. J. R. 39. DESIGNATING A PORTION OF U.S. HIGHWAY 78 AS THE "CLYDE A. (POLLY) CLARK PARKWAY."

WHEREAS, Clyde A. (Polly) Clark of Carbon Hill has served as district commissioner, Walker County, Alabama, for more than 16 years; and

WHEREAS, Commissioner Clark has served four full terms as well as a portion of one term in said office, and currently is entering his fifth full term by virtue of reelection by district residents; and

WHEREAS, Clyde A. (Polly) Clark, in serving as district commissioner with honor and distinction for the past 17 years, has compiled an enviable record of performance that serves as an example to be emulated throughout the State of Alabama; and

WHEREAS, it is the consensus of the Alabama Legislature that it is both fitting and proper that Mr. Clark's distinguished public service career be recognized in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of U.S. Highway 78 within the corporate limits of Carbon Hill in Walker County, Alabama, as the "Clyde A. (Polly) Clark Parkway," and do further authorize the proper officials to erect and maintain appropriate signs and markers so designating said portion of Highway 78.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Walker County Commission, with a copy also provided for Mr. Clark, that he and the county governing body may be advised of this honorary designation of the Alabama Legislature.

On motion of Rep. Frazier, the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Rep. Carter:

H. J. R. 40. DIRECTING THE ALABAMA BUREAU OF TOURISM AND TRAVEL TO RESPOND TO ALL REQUESTS FOR INFORMATION ON ALABAMA.

WHEREAS, the purpose of the Alabama Bureau of Tourism and Travel is to encourage and expand that important industry in our state; and

WHEREAS, large-scale advertising campaigns and special promotions are, of course, an invaluable approach that has proven effective in attracting tourists to Alabama and has also increased travel throughout the state; and

WHEREAS, a very basic function of the bureau, however, should be to provide information on Alabama to the public and to supply promotional and other materials upon request; and

WHEREAS, it has come to our attention that the Bureau of Tourism and Travel does not stock or distribute such material, and that individual requests from potential tourists, as well as inquiries from students in Alabama and other states, either go unanswered or their inquiries are referred to other state agencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Alabama Bureau of Tourism and Travel to stock and maintain an adequate supply of promotional and informational materials on the State of Alabama, and that any letters of inquiry from the public receive a timely response and include the requested materials.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to the director of the Bureau of Tourism and Travel.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Rep. Hogan:

H. J. R. 41. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE STAMP IN HONOR OF THE LATE JOHN L. LEWIS.

WHEREAS, the Legislature of Alabama, in support of a fitting memorial to the late John L. Lewis, past president of the United Mine Workers of America, expresses a desire that such tribute be paid through the issuance of a commemorative postage stamp; and

WHEREAS, John L. Lewis played a dominant role in the transformation of the American Labor Movement during the 20th Century and it was through his efforts that American coal mines were made a healthier and safer work environment; and

WHEREAS, it also was to Mr. Lewis' credit that millions of working Americans were able to achieve for the first time a fair measure of economic security and social justice, thereby allowing them to provide for themselves and their families with dignity and a sense of worth; and

WHEREAS, the United States is among the very few coal producing countries in the world, and perhaps the only country, that has failed to honor its mine workers through the issuance of a commemorative postage stamp; and

WHEREAS, the year 1990 will mark the 100th Anniversary of the founding of the United Mine Workers of America, and the Legislature considers that this landmark occasion presents an appropriate time to bestow

honor upon our nation's mine workers for their contributions to the strength of America and, most particularly, to perpetuate the memory of the late John L. Lewis, a truly distinguished American whose influence on the American Labor Movement is without parallel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully petition the United States Postal Service to issue a postage stamp to commemorate the late John L. Lewis and that such stamp be issued in the year 1990 to coincide with the 100th Anniversary of the establishment of the United Mine Workers of America.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the United States Postmaster General in Washington, D. C.

On motion of Rep. Hogan, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

By Reps. Campbell, Willis, and Crow:

H. J. R. 42. COMMENDING BRANDI SIMMONS OF OXFORD, ALABAMA, AS 1988 WINNER OF THE BAPTIST BIBLE DRILL STATE COMPETITION.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates Brandi Simmons of Oxford, Alabama, winner of the 1988 Baptist Bible Drill State Competition; and

WHEREAS, the daughter of Mr. and Mrs. Michael Simmons and a ninth-grade honor student at Oxford High School, Brandi captured the State Title in April 1988 as a thirteen-year-old eighth grader and following successive wins on the church, association and district levels; and

WHEREAS, Brandi, as State Champion of the Baptist Bible Drill, competed for the title with some 60 other proven winners from throughout Alabama, all of whom were seventh, eighth or ninth grade students, a criteria for participation; and

WHEREAS, a member of Greenbrier Road Baptist Church in Anniston where she is faithful in attendance, Brandi also is involved in all phases of youth activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as 1988 State Champion of the Baptist Bible Drill Competition, we hereby commend Brandi Simmons of Oxford, Alabama, for whom a copy of this resolution shall be provided that she may know of our sincere praise and warm best wishes for every future success in life.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Rep. Campbell:

H. J. R. 43. COMMENDING THE ALABAMA ASSOCIATION OF SCHOOL BOARDS.

WHEREAS, for forty years the Alabama Association of School Boards has served Alabama's local boards of education and their members as their official organization; and

WHEREAS, for forty years AASB has promoted the concept of local lay control of public education in Alabama and the United States of America; and

WHEREAS, AASB has consistently provided Alabama school board members with boardmanship training and seminars designed to keep school board members abreast of all issues facing public schools; and

WHEREAS, AASB provides in-service training, superintendent search assistance, policy development, self-funded insurance programs and other services to local school boards aimed at improving the efficiency of school management; and

WHEREAS, AASB's ultimate interest is providing school board members with the skills and tools necessary to ensure a quality education for boys and girls of Alabama:

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA that the Alabama Association of School Boards be commended for forty years of distinguished service to the state's school boards, their members, and to the school children of Alabama.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Thomas:

H. R. 44. COMMENDING MRS. BERTHA G. KIMBROUGH FOR DISTINGUISHED SERVICE TO THE WILCOX COUNTY PUBLIC SCHOOL SYSTEM.

Also:

By Rep. Turnham:

H. R. 45. COMMENDING JOHN R. BURGESS FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Rep. Hammett:

H. R. 46. COMMENDING THE REVEREND JOHN N. FOSTER OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hammett:

H. R. 47. COMMENDING CITIZEN OF THE YEAR ED SHORT OF ANDALUSIA, ALABAMA.

RECESS

On motion of Rep. Campbell, the House recessed until 6:15 o'clock p.m.

HOUSE RECONVENED

The hour of 6:15 o'clock p.m., having arrived, the House re-convened. The Speaker called the House to order.

JOINT SESSION

Pursuant to the resolution, H. J. R. 3, heretofore adopted, and the hour of 6:15 o'clock p.m. having arrived, the Senate and the House of Representatives met in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Guy Hunt, Governor of the State of Alabama.

The session was called to order by Honorable Jim Folsom, Jr., Lieutenant Governor and presiding officer of the Senate.

His Excellency, Guy Hunt, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

REPORT FILED

Pursuant to the Alabama Sunset Act of 1976 Sections (41-20-1 through 41-20-16) Code of Alabama, 1975 as amended, Rep. John L. Buskey, Chairperson, submitted the summary of findings and recommendations of the Sunset Review Committee, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Barron, Hand, and Horn.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. INVITATION FOR JOINT ADDRESS.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Bedsole, Hale, and Dixon.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hall and Richardson:

H. R. 48. HONORING EDDIE SMITH FOR DISTINGUISHED SERVICE TO JACKSON COUNTY AND THE COMMUNITY.

Also:

The following resolutions were introduced:

By Rep. White (L):

H. J. R. 49. SUSTAINING THE SUSPENSION AND DISAPPROVAL OF DEPARTMENT OF PUBLIC HEALTH'S PROPOSED RULE BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on June 30, 1987, the Department of Public Health published in Volume V, No. 9, of the "Alabama Administrative Monthly," and gave notice to the Joint Committee on Administrative Regulation Review, of the proposed amendment of Rule 420-5-7-.19, relating to:

"Rules for Hospitals—Sanitation and Housekeeping—Smoking of Tobacco," and

WHEREAS, the proposal was then scheduled for review by the Joint Committee on Administrative Regulation Review, however, said rule was withdrawn by the Agency with the consent of the Joint Committee on Administrative Regulation Review on August 31, 1987; and

WHEREAS, on April 22, 1988, the Department of Public Health then certified the rule with minor changes, and on May 4, 1988, the Joint Committee on Administrative Regulation Review met, studied the resubmitted rule, and after consideration, disapproved and suspended the rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the disapproval and suspension of the amendment of said rule by the Joint Committee on Administrative Regulation Review is hereby sustained.

The resolution, H. J. R. 49, was read and referred to the Standing Committee on Rules.

Also:

By Rep. White (L):

H. J. R. 50. SUSTAINING THE AMENDMENT OF THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW TO THE PROPOSED 1988-1992 STATE HEALTH PLAN.

WHEREAS, on October 24, 1988, the State Health Planning Agency filed "Notice of Intended Action" of a proposed new rule entitled "Proposed 1988-1992 State Health Plan." The notice appeared on page 4 of the October 31, 1988 Alabama Administrative Monthly and was the subject of review at the December 13, 1988 meeting of the Joint Committee on Administrative Regulation Review, and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, passed four (4) amendments to the proposed plan as follows:

Amendment No. 1 by Senator Ryan deGraffenried amending paragraph 4 under Section 3, page 52, as follows:

"Numbers of psychiatric beds do not always reflect the adequacy of the programs available within hospitals. In applying the three plan adjustment criteria to specialty psychiatric services facilities, consideration should be given to the adequacy of both numbers of beds and programs offered in meeting patient needs. Needs should be calculated at a rate not to exceed 0.15 beds per 1,000 inhabitants."

Amendment No. 2 by Representative Lester White amending pages 41, 42, and 43, as follows:

"3.1.6 EXTRACORPOREAL LITHOTRESIS

"Discussion

"For purposes of the 1988-1992 Alabama State Health Plan, lithotripter services will be addressed by functional types. For the renal (kidney stone) lithotripter, a specific needs methodology shall apply. For biliary (gallstone) lithotripsy, need for additional units shall be determined when the SHCC develops a specific biliary lithotripsy needs methodology, and until such time, the four biliary units approved in 1988 shall be deemed sufficient to meet need. For third generation multiple use technology, which is expected to allow treatment of both gallstone and renal stones, State Health Plan provisions for review of New Technology shall apply: , except as provided in Section 3.1.6.2, page 41."

1. No. change.

"2. Biliary Lithotripters

Although biliary lithotripters are not at this time FDA approved, four 4) biliary lithotripter CONs have been issued. Three (3) are approved for the Birmingham area, and one (1) for Mobile. ~~None of the machines have been purchased.~~

"If any of these providers purchase a biliary lithotripter capable of conducting renal or any other lithotripsy procedures, i.e., removal of failed hip implants, such provider shall be permitted to conduct those additional services. This provision improves patient access and promotes cost effectiveness and operational efficiencies."

"3. Dual Use Machines

"(Kidney Stones and Gallstones)

~~"This is third generation technology which is not yet ready for FDA trials.~~

"Planning Policies

"1. Renal Lithotripters

"a. No change

"b. No change

"c. No change

"d. No change

"e. Regardless of the planning methodology used, Alabama citizens should have adequate access to renal lithotripsy technology. Adequate access is defined as ninety percent of an area's population residing no further than two hours from an existing renal lithotripsy unit. Where access is inadequate, the C.O.N. Review Board may approve lithotripsy unit where community need may not be indicated by the adopted methodology

"2. Biliary Lithotripters

"a. No change

"b. No change

"3. ~~Dual Use Machines~~ Multiple Use Lithotripters (Kidney Stones and Gallstones)

"a. ~~This is recognized as a developing~~ Except as provided in Section 3.1.6.2 on page 41, this technology and shall be handled in accordance with the New Technology section of the 1988-1992 State Health Plan."

Amendment No. 3 by Senator Crum Foshee amending pages 73, 74, and 75, to indicate a need for additional nursing home beds in the following three counties as follows:

Baldwin—Increase the need from 0 to 60 beds.

Coffee— Increase the need from 11 to 55 beds.

Perry— Increase the need from 0 to 20 beds.

Amendment No. 4 by Representative Lester White amending pages 97 and 98, subsections (12) and (14) to read as follows:

"(12) PLANNING POLICY

"Once a provider is approved for a county, that entity will be calculated as an existing provider in that county for at least 12 months or through one complete cycle of SHPA's annual reporting period, whichever is greater. No additional providers ~~should~~ shall be approved during this time period, except where an existing provider ceases services in that county."

"(14) PLANNING POLICY

"Need for providers above what the planning guidelines project, or need for services which existing providers have been proven unwilling or unable to render, ~~shall~~ may be presented to the SHCC for possible adjustment to the State Health Plan. Failure to do so however, will not act as a prohibition on the regulatory authority to make such decisions as will best serve the citizens of an area. Providers deemed 'unable' to meet patient needs shall include those with repeated violations of certification requirements, as verified

by the Division of Licensure and Certification, Alabama Department of Public Health (DLC). Providers deemed 'unwilling' to meet patient needs shall include those who DLC deems to repeatedly decline to accept appropriate referrals for home health services without good cause."

WHEREAS, following the adoption of the four (4) amendments, the committee approved the plan as amended and so advised the State Health Planning Agency by letter December 14, 1988, and

WHEREAS, by its letter dated January 12, 1989, directed to the chairman of the Joint Committee on Administrative Regulation Review, the Statewide Health Coordinating Council advised that it accepted only Amendment No. 3, however, requested permission to withdraw the entire plan in accordance with Section 41-22-23(d), Code of Alabama 1975.

"... (d) An agency may withdraw a proposed rule by leave of the committee. An agency may resubmit a rule so withdrawn or return under this section with minor modification. Such a rule is a new filing and subject to this section but is not subject to further notice as provided in subsection (a) of section 41-22-5..."

WHEREAS, after consideration at its meeting February 1, 1989, the Joint Committee on Administrative Regulation Review disallowed the request to withdraw the plan; and in accordance with the requirements of Section 41-22-24, Code of Alabama 1975, submits this resolution;

"... Section 41-22-24. Reconsideration of disapproved rules by the Legislature.

"On the first day of each regular session of the Alabama legislature the chairman of the committee shall submit a joint resolution sustaining the disapproval under Section 41-22-23 by the joint committee of any proposed regulation to each house of the legislature for their study. Such resolution with the disapproved rule attached shall be referred by the speaker of the house or the lieutenant governor or both to an appropriate committee or committees, other than the joint committee on administrative regulation review, for consideration and such committee or committees shall schedule hearings thereon, if requested by an affected party or the submitting agency. The legislature may, by joint resolution, sustain the disapproval of the committee under section 41-22-23. In the event the legislature fails to sustain such committee disapproval by the adjournment of the next regular session of the legislature, the rule shall be reinstated..."

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the amendment of said rule, the Proposed 1988-1992 State Health Plan, by the Joint Committee on Administrative Regulation Review is hereby sustained.

The resolution, H. J. R. 50, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 4 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 9, 1989.

REGULAR SESSION
2nd Day

97

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, February 9, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Ben R. Alpert, National Ministries Representative.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sandy Burkes, Jr., student, Ragland, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

H. 31 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 31, from the Standing Committee on Judiciary to the Standing Committee on Small Business.

H. 147 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 147, from the Standing Committee on Local Government to the Standing Committee on Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended for the call of districts and introduction of bills.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H. J. R. 3. INVITATION FOR JOINT ADDRESS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 51. COMMENDING SAMMY BROWN, ALABAMA FARMERS COOPERATIVE "MANAGER OF THE YEAR."

Also:

The following resolutions were introduced:

By Rep. Gaston:

H. J. R. 52. COMMENDING JOEL B. BULLARD, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

WHEREAS, Joel B. Bullard, Jr., of Mobile, Alabama, a former defensive back and punt receiver for the Tulane Green Wave from 1969 to 1971, was named in September 1988 to his alma mater's Athletic Hall of Fame; and

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WHEREAS, as the recipient of this singular honor, Mr. Bullard's selection was based on such outstanding accomplishments as a 77-yard punt return and three pass interceptions, which led to Tulane's 1970 victory over Illinois, and two Tulane season and career records which he still holds today; and

WHEREAS, Joel Bullard, also during his collegiate career, was named three times to the AP All-South Independent Team; was selected AP South-eastern Back of the Week following the 1970 Tulane-Illinois game; was a part of the nationally acclaimed Bullard's Bandits' Defensive Backfield; and was selected to play in both the Senior Bowl and the Blue-Gray Classic All-Star games; and

WHEREAS, a star athlete and member of the Hall of Fame at U.M.S. where he was a graduate of the Class of 1968, Mr. Bullard received his B.A. degree from Tulane in 1972; and

WHEREAS, Mr. Bullard, in additional accomplishment, renders invaluable leadership and service to the Mobile community as a member of the boards of directors of the First Alabama Bank of Mobile, Mobile Infirmary Medical Center, Mobile Area Chamber of Commerce and the Mobile Community Foundation; he is a member of Spring Hill Presbyterian Church and formerly served on the board of directors of the Mobile Kiwanis Club and Junior Achievement and is a past vice president of the Mobile Touchdown Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Joel B. Bullard, Jr., as a member of the Tulane University Athletic Hall of Fame and for outstanding community leadership and service, and do further direct that he receive a copy of this resolution of warmest personal regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

By Rep. Butler:

H. J. R. 53. COMMENDING RICHARD CHAPMAN OF MADISON COUNTY, ALABAMA, AS OUTSTANDING SUPERINTENDENT OF THE YEAR.

WHEREAS, the Alabama Legislature, in consensus of highest commendation congratulates Richard Chapman, Superintendent of Madison County Schools, as the State's Outstanding Superintendent of the Year, a prestigious selection of the Alabama State PTA Convention bestowed in recognition of Dr. Chapman's support of PTA and contributions to the educational system and the community; and

WHEREAS, a native of Woodland, Georgia, Dr. Chapman received the B.S. degree from Troy State University; his M.Ed. from Auburn University; and earned the Ph.D. degree from the University of Alabama; and

WHEREAS, Dr. Chapman, who is a former elementary classroom teacher and principal, also has served in administrative positions with the Opelika City Schools, Columbus College, Harris County Teacher Corps and as Assistant Superintendent, Madison County Schools, before assuming the superintendency in 1983; and

WHEREAS, during the past five years, Dr. Chapman has worked tirelessly to promote the growth of the Madison County PTA's, encouraging attendance and participation; he further worked closely with both the strong PTA Council and the county commission toward the successful passage of a school support tax which has enabled the county school system to make tremendous progress through numerous capital improvements and, more importantly, to improve the instructional program in all Madison County schools; and

WHEREAS, other of many advancements under Dr. Chapman's leadership include a significant increase, through local funding, of additional teacher units, as well as a reduction in the teacher-pupil ratio; and

WHEREAS, Dr. Chapman, in addition to professional involvement, also is active in numerous community and civic affairs, including the Chamber of Commerce, Rotary Club, Huntsville-Army Community Relations Committee, Leadership 2000, Juvenile Advisory Committee and the First Methodist Church of Huntsville, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the educational system and the community, we hereby commend Superintendent of the Year, Dr. Richard Chapman, and do further direct that he receive a copy of this resolution of highest praise and esteem.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Rep. Moon:

H. J. R. 54. MOURNING THE DEATH OF FRANCIS CLYDE SORTER OF GUNTERSVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Francis Clyde Sorter of Guntersville, Alabama, on January 15, 1989, at the age of 61 years; and

WHEREAS, a native of Guntersville, and a United States Navy veteran of World War II, Mr. Sorter also served in the Army National Guard and on active Army duty through mobilization of his Guard unit during the Korean Conflict; upon retirement from the Guard, he had more than 42 years in combined military service; and

WHEREAS, Mr. Sorter, who retired from Redstone Arsenal some five years ago following a 35 year career, also was a prominent Guntersville businessman and community leader and was a member of Happy Home Baptist Church, the Masons, Shriners, VFW and the American Legion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Francis Clyde Sorter of Guntersville, Alabama, and extend our very deepest sympathy to his beloved wife, Mrs. Sue Jackson Sorter; son and daughter, F. C. Sorter, Jr., and Mrs. Jane Slaten; and other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and insoluble loss.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

By Reps. Clark (W), Buskey (JE), Kennedy and Zoghby:

H. J. R. 55. CONGRATULATING THE VIGOR HIGH SCHOOL WOLVES ON THE 1988 STATE 6A FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great personal pride that the Alabama Legislature congratulates C. F. Vigor High School, Prichard, as Alabama's 1988 State 6A Football Champions; and

WHEREAS, also the State 6A 1987 Champs, Vigor High made it two in a row following the Wolves' trouncing of Berry High School, 41-7, in this year's State Finals at Birmingham's Legion Field; and

WHEREAS, the Vigor Wolfpack, in addition to their second straight 6A crown, has also been crowned national champions among all high school teams in the country by ESPN after finishing its season ranked number one in the prestigious ESPN nationwide poll; and

WHEREAS, as we enumerate the Wolfpack's laurels, we further note such outstanding accomplishments as their 1988 perfect season record, 13-0; 26-1 for the past two years, and a fantastic 25-game winning streak; and

WHEREAS, under the brilliant leadership and direction of Head Coach Harold Clark and his able staff, the Vigor High School Wolves are indeed a power to be reckoned with and are well-deserving of their top state and national rankings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the football champions of C. F. Vigor High School, and do further direct that copies of this resolution be forwarded to Coach Clark for appropriate presentation and school display.

On motion of Rep. Clark (W), the rules were suspended and the resolution, H. J. R. 55, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 56. COMMENDING CHARLES H. HARPER OF OZARK, ALABAMA, FOR SIGNIFICANT CONTRIBUTIONS TO ALABAMA AGRICULTURE.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Johnson (RG):

H. 330. To provide that any member of the Teachers' Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however,

that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

Committee on Ways and Means.

By Rep. Johnson (RG):

H. 331. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit courts, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Johnson (RG):

H. 332. Providing for volunteer fire departments and rescue squad organizations in the State to purchase goods and services offered by the Alabama Correctional Industries Division of the Department of Corrections.

Committee on Health.

By Rep. Johnson (RG):

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

Committee on Ways and Means.

By Rep. Layson:

H. 334. To propose an amendment to the Constitution of Alabama of 1901, relating to Pickens County, so as to provide for the imposition of an additional \$10.00 in court costs for each case filed in circuit and district courts in Pickens County with the revenue therefrom to be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses; to provide for retroactive effect to April 19, 1982; to provide for the ratification of any fees or costs collected and expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature; and to provide that no further enabling legislation shall be necessary for the execution of this amendment.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Zoghby and Clark (J):

H. 335. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Committee on Banking.

By Rep. McKee:

H. 336. Relating to the possession of weapons on public school property; to make it a misdemeanor for a person to have in his possession a knife, a razor, brass knuckles, a slingshot or other items having potential for use as a weapon, while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

Committee on Judiciary.

By Rep. Higginbotham:

H. 337. To repeal in its entirety Section 14-4-7 of the Code of Alabama 1975, prohibiting female convicts from working as laborers on public highways.

Committee on Judiciary.

By Reps. White (L) and Haynes:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 37-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

Committee on Insurance.

By Rep. Turner:

H. 339. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Committee on Local Government.

By Rep. Bugg:

H. 340. To provide that no college, university or other institution of higher learning supported in whole or in part with public funds shall grant any honorary doctorate degree unless it also offers and grants earned doctoral degrees.

Committee on Education.

By Rep. Laird:

H. 341. To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial

portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

Committee on Business and Labor.

By Reps. Lindsey, Butler, Parker, Burke, Dillard, Harvey, Hamilton, Gaston, Moon, Logan, Venable, Holley, Laird, Willis, Clark (J), Curry, Sanderford, and Wright:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistakes in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

Committee on Local Government.

By Reps. Lindsey, Butler, Parker, Burke, Dillard, Harvey, Hamilton, Gaston, Moon, Logan, Venable, Holley, Laird, Clark (J), Curry, Sanderford, and Wright:

H. 343. To amend Section 11-88-6 of the Code of Alabama 1975 so as to cause the Section to contain the provisions it contained prior to the mistaken amendment thereof by Act No. 86-717 of the 1986 Special Session and to increase the permitted compensation of the directors and Chairman.

Committee on Local Government.

By Reps. Williams, Warren, and Harper:

H. 344. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Ways and Means.

By Rep. Moon:

H. 345. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

Committee on Judiciary.

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By Rep. Moon:

H. 346. To amend Section 37-3-4, Code of Alabama, 1975 by adding motor carriers who transport property in open-top dump vehicles to the exemptions contained therein.

Committee on Public Utilities and Transportation.

By Rep. White (F):

H. 347. To grant all Alabama department of corrections non-security employees who actually work in a prison facility a \$4.00 a day hazardous duty pay.

Committee on Ways and Means.

By Rep. White (F):

H. 348. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowances for certain law enforcement officers, so as to provide a subsistence allowance for any law officer of the State of Alabama who is employed by the Department of Corrections.

Committee on Ways and Means.

By Rep. Ford:

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Committee on Banking.

By Reps. Flowers, Drake, Beers, Mikell, Adams, McKee, Walker, Headley, Breedlove, Hammett, Venable, Harvey, Hooper, White (L), Turnham, Cosby, Carter, Dillard, Marks, Hill, Britnell, Hamilton, Brooks, Wright, Layson, Knight, Lindsey, Logan, Blakeney, Hogan, Laird, Poole, Fuller, Crow, and Haynes:

H. 350. To provide for and create the Alabama Racing Commission for the regulation, licensing and supervision of racing and wagering thereon; to provide for the composition, appointment, compensation, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel method of wagering within the enclosure of licensed racetracks; and to provide for the licensing of additional racing facilities by legislative act and a referendum of the voters of the county wherein the facility will be located and to otherwise regulate horse and dog racing within the state.

Committee on Ways and Means.

By Reps. Cosby, Penry, Venable, Hammett, White (L), and Mikell:

H. 351. To amend Section 16-30-4, Code of Alabama 1975, relating to the required immunization of kindergarten and first grade pupils entering Alabama's public schools, so as to include pre-kindergarten children.

Committee on Health.

By Rep. Knight:

H. 352. To amend section 39-2-3, Code of Alabama 1975, relating to and regulating contracts for public works, so as to change the fees to be charged by the awarding authority for proposals, plans, the annual fee for bid tabulating, and the annual fee for notice to contractors.

Committee on State Administration.

By Rep. Knight:

H. 353. To amend Section 37-3-4 of the Code of Alabama 1975, relating to exemptions from certain regulations on motor vehicle carriers, so as to provide further for such exemptions.

Committee on Highway Safety.

By Rep. Grayson:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year.

Committee on Education.

By Reps. Freeman, Hall, and Grayson:

H. 355. Proposing an amendment to the state constitution which authorizes, by local legislative act, the creation of a county planning commission for Madison County for the planning of land use in unincorporated areas of the county.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Reps. Turnham, Hamilton, Mikell, and Williams:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Committee on Ways and Means.

By Reps. Zoghby and Clark (J):

H. 357. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these

attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

Committee on Banking.

By Reps. Zoghby and Clark (J):

H. 358. Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

Committee on Banking.

By Reps. Zoghby and Clark (J):

H. 359. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Committee on Banking.

By Reps. Gray, Drake, Dillard, Ford, Hamilton, Curry, Knight, Hooper, Campbell, Blakeney, Mikell, McKee, Zoghby, Gaston, Freeman, Parker, Williams, Higginbotham, Carter, Seibels, Harvey, Sanderford, Brooks, Coburn, Moon, Crow, Turnham, Rogers, White (L), Kvalheim, Turner, McMillan, Hogan, Frazier, Willis, Thomas, Rains, Buskey (JL), Mathis, Beasley, Warren, Hammett, Blake, Poole, Fuller, Haynes, Cosby, Venable, Bryant, Breedlove, Johnson (RG), Richardson, Davis, White (G), Newton, Hall, Payne, Carothers, White (F), Perdue, Petelos, Box, Starkey, Melton, Butler, McClain, McDowell, Burke, Lindsey, Beers, Bowling, Spratt, Wright, Hill, Headley, Johnson (RW), Newman, Holley, and Marks:

H. 360. To amend Section 17-4-131 of the Code of Alabama 1975, relating to death information furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said

information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said name from the registration lists within a certain time.

Committee on Health.

By Rep. Hill:

H. 361. To require the reasonable posting of personnel vacancy notices by all public school systems and certain educational institutions at each school campus or work site before such personnel positions are to be filled.

Committee on Education.

By Rep. Hill:

H. 362. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise tax so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

Committee on Banking.

By Reps. Mikell, Butler, Zoghby, McKee, Breedlove, Harvey, Turnham, and Payne:

H. 363. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the offense of criminal littering, so as to provide further for the distribution of fines for violations.

Committee on Small Business.

By Reps. Butler, Burke, Gaston, Hall, Cosby, Hooper, Grouby, Turnham, Penry, Wright, Lindsey, Dillard, Carter, Sanderford, Marks, Moon, Grayson, Petelos, McKee, Mikell, Fuller, White (L), Richardson, Venable, Hammett, Higginbotham, and Haynes:

H. 364. To amend Section 40-9-21 of the Code of Alabama 1975, which grants an ad valorem tax exemption on the principal residence and 160 acres of land to persons who are over 65 years of age or totally disabled and who have income less than a stated amount so as to increase the amount of the income.

Committee on Ways and Means.

By Rep. Hooper:

H. 365. To provide for the exemption of certain property from any and all state, county and municipal taxes, licenses, fees, including any privilege or excise tax levied by the state of Alabama or any county or municipality thereof.

Committee on Ways and Means.

By Reps. Butler, Hall, and Sanderford:

H. 366. To create a district judgeship for the judicial district comprised of Madison County.

Committee on Ways and Means.

By Reps. Dillard and Seibels:

H. 367. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is presently within the corporate

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limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

Committee on Local Government.

By Rep. Haynes:

H. 368. To provide for salary rates for law enforcement officers employed by the Department of Public Safety.

Committee on Ways and Means.

By Rep. Haynes:

H. 369. To amend Code of Alabama 1975, § 13A-12-213(a)(2), to include within the definition of unlawful possession of marihuana in the first degree anyone possessing marihuana after having been previously convicted of any crime involving controlled substances in this state, any other state, or in the federal courts.

Committee on Judiciary.

By Reps. McMillan and Penry:

H. 370. To further reapportion House District 94 and House District 95 of the Alabama Legislature based upon the 1980 census.

Committee on Local Government.

By Reps. McMillan and Penry:

H. 371. Providing that certain employer participants in the employees' retirement system may, at their discretion, grant their retiring employees certain credit for accumulated sick leave for pension computation purposes and requiring that such employers shall bear any costs associated with granting such sick leave credit.

Committee on Ways and Means.

By Reps. McMillan and Hooper:

H. 372. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Committee on Local Government.

By Rep. McMillan:

H. 373. To amend Section 34-27-36, Code of Alabama 1975, relating to the grounds for disciplinary action by the Real Estate Commission, so as to provide further for such grounds.

Committee on Judiciary.

By Rep. Hogan:

H. 374. To amend section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988) relating to the meetings days of the county boards of registrars so as to authorize Walker County board of registrars to meet an additional 60 days per year.

Committee on Local Government.

By Reps. Beasley, Johnson (RG), Payne, Hill, Carothers, Zoghby, Higginbotham, and Mathis:

H. 375. Relating to the Crime of Assault in the third degree; amending Section 13A-6-22 of the Code of Alabama 1975, so as to impose a minimum term of imprisonment in certain cases.

Committee on Judiciary.

By Reps. Beasley, Hill, Payne, Harvey, Zoghby, Breedlove, Headley, and Grouby:

H. 376. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day"; and to provide for severability of the provisions of this Act; and to provide an effective date.

Committee on Banking.

By Representative Hooper:

H. 377. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, so as to combine the terms emotionally conflicted and socially maladjusted as a categorical condition which establishes eligibility for special education placement in public schools.

Committee on Education.

By Reps. Holley, Ford, Fuller, Hill, Breedlove, Butler, Moon, Newman, McKee, Harvey, Flowers, Hammett, White (L), Venable, Knight, Cosby, Hogan, Walker, Laird, Richardson, Logan, Gray, Slaughter, Rains, Bugg, Freeman, Hall, Dillard, Grouby, Zoghby, Gaston, McMillan, Penry, Willis, Crow, Mathis, Haynes, Payne, Davis, Wright, Curry, Marks, Seibels, Bowling, Parker, and Sanderford:

H. 378. To impose an annual limit on the volume of hazardous wastes which may be disposed of at commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at such facilities; to provide certain definitions; to require certain records to be maintained; provides for exceptions to the disposal limits under certain conditions; and to provide for penalties for violation of the imposed volume limitations.

Committee on Judiciary.

By Reps. Harper, Breedlove, Zoghby, Carter, Warren, Turner, McMillan, Penry, and Gaston:

H. 379. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

Committee on State Administration.

By Rep. Fuller:

H. 380. To make an appropriation from the State General Fund to the Chambers County Museum, Incorporated for the fiscal year ending September

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30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Blake and White (F):

H. 381. To provide for review of official actions relating to prisoners by officers and agencies which are responsible for the administration of detention facilities on penal facilities, to limit judicial review to official actions which implicate rights, privileges and immunities under the United States Constitution, to establish a procedure for such judicial review, to provide for applicability, to provide that the remedy hereby established is exclusive and to provide for severability and the effective date.

Committee on Judiciary.

By Reps. Burke, Bowling, and Lindsey:

H. 382. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Crow, Haynes, Mathis, Adams, Grouby, Willis, McMillan, Hammett, Blake, Zoghby, Carothers, Beasley, Bugg, Knight, Hill, Higginbotham, Johnson (RG), Kvalheim, Rains, and Richardson:

H. 383. To require certain minimum deposits into an irrevocable trust fund of proceeds of sales of interment spaces in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this act, or by any person operating endowment or perpetual care cemeteries on the effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

Committee on Judiciary.

By Reps. Newton, Bryant, Thomas, Grayson, Black, Buskey (JL), Gray, Perdue, Biddle, Clark (W), Slaughter, Curry, Hill, Logan, Spratt, Davis, Payne, Petelos, and Holmes:

H. 384. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Haynes:

H. 385. To exempt the Citizens Hospital Association, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Williams:

H. J. R. 57. DESIGNATING MARCH 12-18, 1989, AS "AIRCRAFT MAINTENANCE SAFETY WEEK" IN ALABAMA.

WHEREAS, The citizens of Alabama recognize the continuing need for excellence in aircraft maintenance standards; and

WHEREAS, this need is even more vital today due to the rapid changes in modern technology and the associated training required to maintain proficiency in keeping our airplanes and helicopters in air worthy condition, at all times and in all weather situations; and

WHEREAS, training and maintenance standardization programs, developed and coordinated by the FAA and supported by the Alabama Department of Aeronautics, the Department of Air Transportation and Alabama Aviation and Technical College, are an effective and efficient means of enhancing the safety standards within the industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of excellence in aircraft maintenance standards, and in emphasis thereon, we hereby designate the week of March 12-18, 1989, as "Aircraft Maintenance Safety Week" in Alabama.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 57, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 58. MOURNING THE DEATH OF CHARLES HUNTER WOODLEY OF AUBURN, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Hooper, Harper, Clark (J), Burke, Lindsey, Gaston, Butler, Higginbotham, Fuller, and Buskey (JL):

H. J. R. 59. URGING PRESIDENT BUSH AND THE CONGRESS TO EXTEND THE SMALL ISSUE BOND PROGRAM FOR MANUFACTURING FACILITIES.

WHEREAS, the State of Alabama has used and continues to use the Small Issue Bond Program for manufacturing facilities as an effective tool for encouraging industrial development throughout the state; and

WHEREAS, the federal tax reform act of 1986, however, as it relates to the tax-free aspect of such bonds, provides that the program be phased out by the end of 1989, unless otherwise extended by Congress; and

WHEREAS, the advantages of this program to Alabama and the various states have proved to be of enormous benefit through the resulting stabilization and growth-thrust effect on their economies, thereby enabling the states to magnify their support for education as well as for social and other necessary services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge

President Bush to support the extension of the Small Issue Bond Program for manufacturing facilities and encourage the Congress to provide for said extension.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to President Bush, to the presiding officers of the United States House and Senate, and to each member of Alabama's Congressional Delegation.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 59, was adopted.

Also:

By Rep. Carothers:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

WHEREAS, rural hospitals are experiencing a life or death struggle to remain open, and

WHEREAS, several rural hospitals in Alabama have had to close and others are expected to cease operations in the near future, and

WHEREAS, their closure has contributed to the loss of medical services for Alabama citizens in the rural areas, and

WHEREAS, maldistribution of medical manpower, the high percent of uncompensated care, the escalating cost of liability insurance as well as other factors have contributed to a drastic decline in available obstetrical services in the rural communities resulting in lengthy travel distances to obtain medical care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby established a task force to study the rural hospital crisis and to determine such solutions that may remedy the problem, including but not limited to ways and means of improving the financial health of rural hospitals through improved management practices, modifying the scope of services, and other mechanisms, to prevent the continuous decline in available care including obstetrical services in the rural areas and to make such recommendations to the state legislature necessary to evaluate the existing and potential problem.

BE IT FURTHER RESOLVED, that the task force shall consist of the following:

1. The State Health Officer, who shall serve as Chairman of the task force.
2. The Chairman of the House Health Committee.
3. The Chairman of the Senate Health Committee.
4. Two persons appointed by the Alabama Hospital Association, one of the two shall represent an urban hospital and the other shall represent a rural hospital.
5. One person to be appointed by the Alabama Academy of Family Physicians.

6. One person to be appointed by the Alabama Department for Economic and Community Affairs (ADECA).

7. One person to be appointed by the Alabama Nursing Home Association.

8. The state's Medicaid Commissioner.

9. One person to be appointed by the University of Alabama at Birmingham—School of Public Health.

10. One person to be appointed by the Association of County Commissioners.

11. One person to be appointed by the Alabama League of Municipalities.

12. Two people to be appointed by the Alabama Press Association.

13. One person to be appointed by the Medical Association of the State of Alabama.

14. The State Insurance Commissioner.

15. One person to be appointed by the Alabama Independent Insurance Agents.

16. One person to be appointed by the League of Women Voters of Alabama.

17. One person to be appointed by the Alabama Primary Health Care Association.

18. One person to be appointed by the Alabama Democratic Conference.

19. One person to be appointed by the Alabama New South Coalition.

20. The Director of the State Health Planning Agency.

21. One person to be appointed by the Foundation for Women's Health in Alabama.

22. One person to be appointed by the Alabama Perinatal Association.

23. One person to be appointed by the Alabama Farm Bureau Federation.

24. One person to be appointed by the Farmers Home Administration.

25. One person to be appointed by the Appalachian Regional Commission.

26. One person to be appointed by the Alabama Gerontological Society.

27. One person to be appointed by the Alabama Chapter—American Academy of Pediatrics.

28. One person to be appointed by the Alabama Labor Council.

29. One person to be appointed by the Alabama Academy of Obstetricians and Gynecologists.

30. Two persons to be appointed by the Business Council of Alabama.

31. One person to be appointed by Blue Cross—Blue Shield of Alabama.

32. One person to be appointed by the Governor's Office.

33. One person to be appointed by the Alabama Chapter—American Association of Retired Persons.

34. One person to be appointed by the Mutual Assurance Society of Alabama.

35. One person to be appointed by the Coastal Insurance Exchange.

36. One person to be appointed by the Alabama State Nurses Association.

37. One person to be appointed by the Alabama Maternal and Child Health Advisory Council.

38. One person to be appointed by the Alabama County Health Council.

39. One person to be appointed by Crucible.

BE IT FURTHER RESOLVED, that all appointments shall be made within thirty (30) days following passage of this Resolution and the Chairman shall call an organizational meeting of the task force no later than thirty (30) days following the appointments.

BE IT FURTHER RESOLVED, that the task force is to report its findings and recommendations to the Legislature on or before the tenth legislative day of the 1990 Regular Session.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 60, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 61. COMMENDING WALLACE SEXTON FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Reps. Zoghby, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. R. 62. CONGRATULATING BETH THACKER ON HER BIRTHDAY, FEBRUARY 13, 1989.

Also:

By Rep. Hall:

H. R. 63. COMMENDING RAY TUBBS FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall.

H. R. 64. COMMENDING JOSEPHINE SMITH FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall:

H. R. 65. COMMENDING BRAD HOWLAND FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall:

H. R. 66. COMMENDING JOHN C. JACOBS FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall:

H. R. 67. COMMENDING LONNIE E. CRAWFORD FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall:

H. R. 68. COMMENDING DON COPELAND FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall:

H. R. 69. COMMENDING HAROLD BROOKSHIRE FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

Also:

By Rep. Hall.

H. R. 70. COMMENDING WALT HAMMER FOR DISTINGUISHED AND HONORABLE SERVICE TO THE CITY OF SCOTTSBORO AND THE COMMUNITY.

RECESS

On motion of Rep. Hammett, the House stood in informal recess, to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The speaker called the House to order.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 71. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 9, 1989, we adjourn to meet again on Tuesday, February 14, 1989, at 1:00 P.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 71, was adopted.

REPORT FILED

The report of the State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted by the Chairman, Charles Adair, Jr., to the Alabama Legislature of 1989, and the report was ordered filed.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 278. To amend Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 246. (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 180. To make an appropriation from the State General Fund to the YMCA-Cleveland Avenue Branch for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 183. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 184. To make an appropriation from the State General Fund to the Fort Gaines for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 185. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 186. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 189. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 190. To make an appropriation from the State General Fund to the Beacon House—Jasper for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 192. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 194. To make an appropriation from the State General Fund to the Mobile Exploreum Children's Museum for the fiscal year ending September 30, 1990.

H. 195. To provide for a supplemental appropriation from the Board of Examiners of Nursing Home Administrators Fund to the Board of Examiners of Nursing Home Administrators for the fiscal year ending September 30, 1989.

H. 197. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickie Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 200. To make an appropriation from the State General Fund to the Parents Anonymous of Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 210. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United

Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

H. 219. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 221. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 222. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 223. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for capital outlay for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 224. (With Substitute): To make an appropriation from the State General Fund to the Child Advocacy Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 225. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 226. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of and funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 227. (With Substitute): To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 228. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 229. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 230. To make an appropriation from the State General Fund to the Brierfield Ironworks Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 231. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 232. To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 233. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 235. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 236. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 237. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 279. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

H. 291. To make a supplemental appropriation of five million dollars (\$5,000,000) from the Public Road and Bridge Fund to the Department of Public Safety for the fiscal year ending September 30, 1990; to reduce the appropriation from the State General Fund to the Department of Public

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Safety by three million dollars (\$3,000,000) for the fiscal year ending September 30, 1990; and to provide for the transfer of five million dollars (\$5,000,000) to the Department of Public Safety from funds which are appropriated to the State Highway Department from the Public Road and Bridge Fund for the fiscal year ending September 30, 1990.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 290. (With Amendment): To amend Sections 41-5-14 and 41-5-24, Code of Alabama, 1975 in order to authorize the department of examiners of public accounts to charge served entities for audit services, to appropriate fees collected and to reduce accordingly the General Fund appropriation to the Examiners of Public Accounts for FY 1989-90.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered returned to the House with a favorable report, and it was read a second time and pursuant to House rule 33 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

ADJOURNMENT

On motion of Rep. Hammett and pursuant to the resolution, H. R. 71 heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 14, 1989.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 14, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. David Boulter, Calvary Baptist Temple, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessie Hobbs, Elkmont, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORTING OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 12. COMMENDING ELDON SHARPE FOR DISTINGUISHED SERVICE TO TALLAPOOSA COUNTY AND TO THE STATE OF ALABAMA.

Also:

H. J. R. 13. COMMENDING HILDA K. PRITCHARD FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 14. COMMENDING BARBARA BAXLEY FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 15. COMMENDING R. W. CLAYBROOK FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 16. COMMENDING ELGIN HARRIS FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 17. COMMENDING RAYFIELD WISE OF CAMP HILL, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND LEADERSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 18. COMMENDING FRANK GEORGE HOLLEY FOR DISTINGUISHED SERVICE AS MAYOR OF CAMP HILL, ALABAMA.

Also:

H. J. R. 19. COMMENDING JESSIE W. SIMS FOR OUTSTANDING SERVICE AND LEADERSHIP.

Also:

H. J. R. 20. CONGRATULATING THE NEW SITE HIGH SCHOOL WARRIORS ON THEIR ACCOMPLISHMENTS OF THE 1988 FOOTBALL SEASON.

Also:

H. J. R. 21. COMMENDING RUTH BELYEU JOHNSON FOR OUTSTANDING SERVICE AS CIRCUIT CLERK, 5TH JUDICIAL CIRCUIT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 30. COMMENDING COACH MAURICE CARKUFF ON HIS OUTSTANDING CAREER.

Also:

H. J. R. 32. RECOGNIZING THE WISTERIA CLUB OF GADSDEN AND THE CONTRIBUTIONS OF ITS MEMBERSHIP TO THE ENRICHMENT OF YOUNG LIVES.

Also:

H. J. R. 33. COMMENDING DAWN MACKEY.

Also:

H. J. R. 34. CONGRATULATING COACH JERRY SMITH AND THE SARDIS HIGH SCHOOL LIONS ON THEIR OUTSTANDING FOOTBALL SEASON.

Also:

H. J. R. 35. COMMENDING LAURA ELIZABETH DAVIS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 36. COMMENDING HAROLD PARKER JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY LEADERSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. CONGRATULATING THE 1988 CLASS 2A STATE VOLLEYBALL CHAMPIONS OF WEST END HIGH SCHOOL, WALNUT GROVE, ALABAMA.

Also:

H. J. R. 7. CONGRATULATING CAROLYN T. RODGERS OF PELL CITY, ALABAMA, PRESIDENT OF ALABAMA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

Also:

H. J. R. 8. RECOGNIZING OPAL ROBISON OF ST. CLAIR COUNTY FOR DISTINGUISHED SERVICE TO THE COMMUNITY.

Also:

H. J. R. 9. COMMENDING JENNIFER REBECCA BOSWELL, "MISS ST. CLAIR COUNTY".

Also:

H. J. R. 10. DESIGNATING DECATUR AS THE BALLOONING CAPITAL OF ALABAMA.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 72. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately after the report of the committee on Rules

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and the committee on Ways and Means, and the adoption of this Special Order Calendar, the following business, in the order set forth below, be made the special, paramount and continuing order of business for the 3rd legislative day, Tuesday, February 14, 1989, taking precedence over all other regular order business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

Inst Id	Page
<u>H. 278</u> —By Harper	1
Appropriation, repayment of fund No. 305735, Act 88-947 am'd.	
<u>H. 246</u> —By Harper (As Amended)	2
General Fund Budget, provided	
<u>H. 180</u> —By Harper	2
Cleveland Avenue YMCA, approp.	
<u>H. 183</u> —By Harper	3
Junior Miss Pageant, approp.	
<u>H. 184</u> —By Harper	3
Fort Gaines, approp.	
<u>H. 185</u> —By Harper	3
Mountain Lakes Tourist Assoc., approp.	
<u>H. 186</u> —By Harper	4
Lighthouse, Inc., approp.	
<u>H. 189</u> —By Harper	4
Tri-Rivers Waterways Development Assoc., approp.	
<u>H. 190</u> —By Harper	5
Beacon House, approp.	
<u>H. 192</u> —By Harper	5
Southern Museum of Flight, approp.	
<u>H. 194</u> —By Harper	6
Mobile Exploreum, approp.	
<u>H. 195</u> —By Harper	6
Board of Examiners of Nursing Home Adm., approp.	
<u>H. 197</u> —By Harper	7
Travel Council, approp.	
<u>H. 199</u> —By Harper	7
Sickle Cell Education Program, approp.	

<u>H. 200</u> —By Harper	8
Parents Anonymous, approp.	
<u>H. 210</u> —By Harper	8
Black Belt Human Resources Development Center, approp.	
<u>H. 217</u> —By Harper	9
United Cerebral Palsy of Alabama, approp.	
<u>H. 219</u> —By Harper	9
W.C. Handy Property Board, approp.	
<u>H. 221</u> —By Harper	10
Warrior-Tombigbee Development Association, approp.	
<u>H. 222</u> —By Harper	10
Lee County Historical Society, approp.	
<u>H. 223</u> —By Harper	11
Mallard Fox Creek Port and Industrial Park, approp.	
<u>H. 224</u> —By Harper (As Substituted)	11
Child Advocacy Center, approp.	
<u>H. 225</u> —By Harper	12
Civil Air Patrol, Alabama Wing, approp.	
<u>H. 226</u> —By Harper	12
George C. Wallace Industrial Air Park, approp.	
<u>H. 227</u> —By Harper (As Substituted)	13
Coalition Against Domestic Violence, approp.	
<u>H. 228</u> —By Harper	13
Coosa-Alabama River Improvement Assoc., approp.	
<u>H. 229</u> —By Harper	14
Pea River Historical Society, approp.	
<u>H. 230</u> —By Harper	14
Brierfield Ironworks Park, approp.	
<u>H. 231</u> —By Harper	15
Elyton Recovery Commission, approp.	
<u>H. 232</u> —By Harper	15
Dothan Landmark Foundation, approp.	
<u>H. 233</u> —By Harper	16
Commission on Aging, Care Assurance System, approp.	

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<u>H. 235</u> —By Harper	16
Fort Payne Depot, approp.	
<u>H. 236</u> —By Harper	17
Helen Keller Property Board, approp.	
<u>H. 237</u> —By Harper	17
Alabama Mining Museum, approp.	
<u>H. 279</u> —By Harper	18
Retired Senior Vol. Program, approp., for FY ending September 30, 1990	
<u>H. 291</u> —By Cosby	18
Public Safety Dept., supp. approp. from public road and bridge fund, approp. from general fund reduced, cert. funds transferred from Highway Dept.	
<u>H. 290</u> —By Cosby (As Amended)	19
Examiners of Public Accounts, auth. to charge cert. entities for audit services, distrib. of proceeds	
On motion of Rep. Carter, the resolution, H. R. 72, was adopted.	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 22. COMMENDING WOOD GASTON, JR., FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

Also:

H. J. R. 23. COMMENDING HORACE PATTERSON FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

Also:

H. J. R. 24. COMMENDING JAMES RAY YARBROUGH FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

Also:

H. J. R. 25. COMMENDING HUGH OWEN FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

Also:

H. J. R. 26. COMMENDING HIRAM TAYLOR FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 27. CONGRATULATING THE BENJAMIN RUSSELL HIGH SCHOOL WILDCATS ON THEIR OUTSTANDING 1988 FOOTBALL SEASON.

Also:

H. J. R. 28. COMMEMORATING THE BATTLE OF HORSESHOE BEND.

Also:

H. J. R. 29. CONGRATULATING THE REELTOWN HIGH SCHOOL 1988 FOOTBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 37. NOTING WITH COMMENDATION THE NATIONAL HONORS ACCORDED MARSHALL TECHNICAL SCHOOL'S AUTOMOTIVE TECHNOLOGY PROGRAM.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 281. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 164. (With Amendment): To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 207. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 209. (With Amendments): To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 188. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 212. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 182. (With Amendment): To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990, for educational purposes.

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 42. COMMENDING BRANDI SIMMONS OF OXFORD, ALABAMA, AS 1988 WINNER OF THE BAPTIST BIBLE DRILL STATE COMPETITION.

Also:

H. J. R. 43. COMMENDING THE ALABAMA ASSOCIATION OF SCHOOL BOARDS.

Also:

H. J. R. 52. COMMENDING JOEL B. BULLARD, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

Also:

H. J. R. 53. COMMENDING RICHARD CHAPMAN OF MADISON COUNTY, ALABAMA, AS OUTSTANDING SUPERINTENDENT OF THE YEAR.

Also:

H. J. R. 54. MOURNING THE DEATH OF FRANCIS CLYDE SORTER OF GUNTERSVILLE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 55. CONGRATULATING THE VIGOR HIGH SCHOOL WOLVES ON THE 1988 STATE 6A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 57. DESIGNATING MARCH 12-18, 1989, AS "AIRCRAFT MAINTENANCE SAFETY WEEK" IN ALABAMA.

Also:

H. J. R. 59. URGING PRESIDENT BUSH AND THE CONGRESS TO EXTEND THE SMALL ISSUE BOND PROGRAM FOR MANUFACTURING FACILITIES.

Also:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

McDOWELL LEE,
Secretary.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 278, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Drake, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton, Payne, Penry, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

—70

And the bill:

H. 278. To amend Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne,

Penry, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Wright and Zoghby.

—75

And the bill:

H. 246. (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 246, and to the amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1989-90 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.
- (e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of

government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC AC- COUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			9,128,054
SOURCE OF FUNDS:			
(1) State General Fund	8,728,054		
(2) Federal and Local Funds		400,000	
Total Department of Examiners of Public Accounts	8,728,054	400,000	9,128,054
2. LAW INSTITUTE, ALABAMA:			
(a) Support Of Other Educational Ac- tivities Program			328,662
SOURCE OF FUNDS:			
(1) State General Fund	328,662		
Total Alabama Law Institute	328,662		328,662
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Sup- port Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975.</u>			
Total Legislative Council	212,200		212,200
4. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Sup- port Program (To include Program Review and Evaluation)			996,188
SOURCE OF FUNDS:			
(1) State General Fund	996,188		

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Total Legislative Fiscal Office	996,188	996,188
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5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,154,886
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SOURCE OF FUNDS:

(1) State General Fund	1,154,886	
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Total Legislative Reference Service	1,154,886	1,154,886
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6. LEGISLATURE:

(a) Legislative Operations and Support Program		9,223,000
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment, (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee, and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	9,223,000	
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Total Legislature	9,223,000	9,223,000
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7. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
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Total National Conference of State Legislatures	72,667	72,667
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2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		1,212,923
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SOURCE OF FUNDS:

(1) State General Fund	1,212,923	
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Total Court of Civil Appeals	1,212,923	1,212,923
2. COURT OF CRIMINAL APPEALS:		
(a) Court Operations Program		1,825,053
SOURCE OF FUNDS:		
(1) State General Fund	1,825,053	
Total Court of Criminal Appeals	1,825,053	1,825,053
3. JUDICIAL INQUIRY COMMISSION:		
(a) Administrative Services Program		123,099
SOURCE OF FUNDS:		
(1) State General Fund	123,099	
Total Judicial Inquiry Commission	123,099	123,099
4. JUDICIAL RETIREMENT FUND:		
(a) Retirement Systems Program		1,371,000
SOURCE OF FUNDS:		
(1) State General Fund	1,371,000	
Total Judicial Retirement Fund	1,371,000	1,371,000
5. SUPREME COURT:		
(a) Court Operations Program		4,691,800
SOURCE OF FUNDS:		
(1) State General Fund	4,691,800	
Total Supreme Court	4,691,800	4,691,800
6. UNIFIED JUDICIAL SYSTEM:		
(Administrative Office of Courts)		
(a) Court Operations Program		61,003,184
(b) Administrative Services Program		3,593,099
(c) DUI Referral Program		105,915
(d) Fringe Benefit Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	64,402,198	
(2) State General Fund-Social Security-County Judicial, Estimated	300,000	
(3) Clerks and Registers Supernumerary Fund		300,000
Total Unified Judicial System	64,702,198	300,000 65,002,198
2C. EXECUTIVE:		
1. ACADEMY OF HONOR, ALABAMA:		
(a) Historical Resources Management Program		1,784

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SOURCE OF FUNDS:

(1) State General Fund	1,784	
As provided in Section 41-11-6, <u>Code of Alabama 1975</u> , and an additional amount.		
Total Alabama Academy of Honor	1,784	1,784

2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program		355,041
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	355,041	
As provided in Section 34-1-22, <u>Code of Alabama 1975</u> . In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.		
Total Alabama State Board of Public Accountancy	355,041	355,041

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program		222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200	
For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, <u>Code of Alabama 1975</u> .		
(2) State General Fund, Estimated	200,000	
For expenditures as provided in Section 31-3-2 and Section 36-30-2, <u>Code of Alabama 1975</u> .		
(3) State General Fund-Administrative Costs	11,200	
Total Board of Adjustment	222,400	222,400

4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program		915,832
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SOURCE OF FUNDS:

(1) Airport Development Fund-Aviation Fuel Tax	894,272	
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As provided by Section 4-2-42, Code of Alabama 1975.

(2) Airport Development Fund-Federal Funds	21,560	
Total Department of Aeronautics	915,832	915,832

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program	17,838,225
(b) Medicaid Waiver Services Program	6,272,961

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,331,299	
(2) State General Fund-Transfer Medicaid Waiver	1,696,816	
(3) Federal and Local Funds	21,083,071	
Total Commission on Aging	3,028,115	21,083,071 24,111,186

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,299,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
(2) Interest Income		150,000

As provided in Section 9-8A-4.1, Code of Alabama 1975.

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Total Agricultural and Conservation Development Commission	2,149,926	150,000	2,299,926
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
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Total Alabama Agricultural and Industrial Exhibit Commission	50,000		50,000
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8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program			859,506
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SOURCE OF FUNDS:

(1) State General Fund	169,354		
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975.

(2) State General Fund-Transfer-Operations	132,427		
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(3) State General Fund-Transfer-Livestock Coliseum	212,725		
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(4) Livestock Coliseum Fund		345,000	
Total Agricultural Center Board	514,506	345,000	859,506

9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program			1,699,907
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(b) Agricultural Inspection Services Program			10,534,522
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(c) Laboratory Analysis and Disease Control Program			3,736,664
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(d) Agricultural Development Services Program			1,655,522
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,748,097		
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(2) Federal and Local Funds		1,947,218	
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(3) Shipping Point Inspection Fund ..		4,256,300	
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Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries

shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	3,675,000		
Total Department of Agriculture and Industries	7,748,097	9,878,518	17,626,615

10. ALABAMA TRUST FUND BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund	35,886		
Total Alabama Trust Fund Board	35,886		35,886

11. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program			23,129,145
(b) Enforcement Program			6,216,100

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1989-90 shall not be reduced below the level of services provided in this program in fiscal year 1988-89.

(c) Administrative Services Program			4,175,540
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The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer of \$596,000 to the State General Fund and a transfer to the Department of Public Safety of \$2,000,000. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund	33,520,785		
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal

year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	33,520,785	33,520,785
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12. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program	260,500
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects	260,500
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects	260,500	260,500
13. ARCHIVES AND HISTORY, DEPARTMENT OF:		
(a) Historical Resources Management Program		2,692,843
SOURCE OF FUNDS:		
(1) State General Fund	2,641,707	
(2) Federal and Local Funds	51,136	
Total Department of Archives and History	2,641,707	2,692,843
14. ATTORNEY GENERAL, OFFICE OF THE:		
(a) Legal Advice and Legal Services Program		7,064,246
(b) Fair Marketing Practices Program		598,284
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	6,066,835	
(2) State General Fund-Transfer-Consumer Protection	588,284	
(3) Federal and Local Funds	1,007,411	
Total Office of the Attorney General ..	6,655,119	7,662,530
15. AUDITOR, STATE:		
(a) Fiscal Management Program		857,107
SOURCE OF FUNDS:		
(1) State General Fund	857,107	
Total State Auditor	857,107	857,107
16. BANKING DEPARTMENT, STATE:		
(a) Charter, License and Regulate Financial Institutions Program		3,202,792
SOURCE OF FUNDS:		
(1) Banking Assessment Fees	2,865,000	
As provided in Section 5-2A-20, <u>Code of Alabama 1975</u> .		
(2) Loan Examination Fund	337,792	
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975</u> .		

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Total State Banking Department	3,202,792	3,202,792
<hr/>		
17. BAR ASSOCIATION, ALABAMA STATE:		
(a) Professional and Occupational Licensing and Regulation Program		1,410,782
SOURCE OF FUNDS:		
(1) State Bar Association Fund	1,260,127	
As provided in Section 34-3-4 and Section 34-3-44, <u>Code of Alabama 1975</u> .		
(2) Federal and Local Funds	150,655	
As provided in Section 34-3-44, 34-3-17 and 34-3-18, <u>Code of Alabama 1975</u> .		
Total Alabama State Bar Association	1,410,782	1,410,782
<hr/>		
18. BEAR CREEK DEVELOPMENT AUTHORITY:		
(a) Water Resource Development Program		54,535
SOURCE OF FUNDS:		
(1) State General Fund	54,535	
Total Bear Creek Development Authority	54,535	54,535
<hr/>		
19. BUILDING COMMISSION, STATE:		
(a) Special Services Program		1,408,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	858,762	
(2) Federal and Local Funds	549,738	
Total State Building Commission	858,762	1,408,500
<hr/>		
20. CAHAWBA ADVISORY COMMITTEE:		
(a) Historical Resources Management Program		9,550
SOURCE OF FUNDS:		
(1) State General Fund	9,550	
Total Cahawba Advisory Committee ..	9,550	9,550
<hr/>		
21. CHILD ABUSE AND NEGLECT PREVENTION BOARD:		
(a) Social Services Program		534,196
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975</u> .		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	325,000	

(2) Children's Trust Fund, Estimated	209,196		
Total Child Abuse and Neglect Preven- tion Board	325,000	209,196	534,196
22. CHIROPRACTIC EXAM- INERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			102,700
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiro- practic Examiner's Fund		102,700	
As provided in Section 34-24-143, <u>Code</u> <u>of Alabama 1975.</u>			
Total Alabama State Board of Chiro- practic Examiners		102,700	102,700
23. CONSERVATION AND NATU- RAL RESOURCES, DEPART- MENT OF:			
(a) State Land Management Program			873,871
(b) Outdoor Recreation Sites and Services Program			25,487,835
(c) Marine Police Program			2,767,742
(d) Wildlife Game and Fish Program			16,182,848
(e) Marine Resources Program			2,199,000
Of the above appropriation, \$50,000 shall be used for the planting of oys- ter shells on the state reefs.			
(f) Administrative Services Program			2,886,450
The appropriation to the Department of Conservation and Natural Re- sources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation ex- penses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach man- sion.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,541,006		
(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income, and Other Departmental Receipts		11,897,300	
(3) Game and Fish Fund-Federal and Local Funds		4,285,548	

(4) State Lands Fund 873,871

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts 1,219,000

(6) Marine Resources Fund-Federal and Local Funds 980,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(7) Marine Police Fund-Licenses, Fines, Taxes, and Other Departmental Receipts 2,347,742

(8) Marine Police Fund-Federal and Local Funds 420,000

(9) State Parks Fund 300,000

(10) Parks Revolving Fund 20,646,829

(11) State Parks Fund-Cigarette Tax 3,000,000

(12) Administrative Funds 2,886,450

The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources	1,541,006	48,856,740	50,397,746
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In addition to the above appropriation to the Department of Conservation and Natural Resources, there is hereby conditionally appropriated from the State General Fund \$500,000 to the Outdoor Recreation Sites and Services Program to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance

Director, and the approval of the Governor.

24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

- (a) Professional and Occupational Licensing and Regulation Program 443,521

SOURCE OF FUNDS:

- (1) State Licensing Board for General Contractors Fund 443,521

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	443,521	443,521
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25. CORRECTIONS, DEPARTMENT OF:

- (a) Administrative Services and Logistical Support Program 9,709,045
- (b) Institutional Services Corrections Program 113,521,611

Of the above appropriation, at least \$1,900,000 shall be expended for the operation of new expansions to existing facilities and \$3,600,000 shall be expended for opening a new prison in Barbour County, Alabama.

- (c) Correctional Agricultural and Industries Program 18,594,033

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer 119,430,656
- (2) Department of Corrections Fund 22,394,033

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and

appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	119,430,656	22,394,033	141,824,689
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund to the Department of Corrections \$6,500,000. This conditional appropriation is to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

26. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	790,100
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	790,100
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	790,100	790,100
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27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	84,000
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	84,000
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	84,000	84,000
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28. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program	436,203
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	436,203
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As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	436,203	436,203
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29. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated		566,000
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated	566,000	
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To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission	566,000	566,000
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30. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program		4,111,587
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,929,287	
(2) Federal and Local Funds	1,182,300	

Total Alabama Criminal Justice Information Center	2,929,287	1,182,300	4,111,587
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31. DESOTO COMMISSION, ALABAMA:

(a) Historical Resources Management Program		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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As provided by Executive Order 42, September 13, 1985.

Total Alabama DeSoto Commission ..	25,000	25,000
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32. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission ...		305,000
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(b) Administrative Services Program		204,512
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Of the above appropriation to the Administrative Services Program, not more than \$95,000 shall be spent for

the Small Business Office of Advocacy.

(c) Industrial Development Program-Alabama Development Office	4,281,227
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SOURCE OF FUNDS:

(1) State General Fund-Transfer-Alabama Development Office	4,181,227		
(2) State General Fund-Transfer-Office of Minority Business	109,512		
(3) State General Fund-Transfer-Small Business Office of Advocacy	95,000		
(4) State General Fund-Transfer-Alabama Film Commission	305,000		
(5) Departmental Receipts		100,000	
Total Alabama Development Office	4,690,739	100,000	4,790,739

33. DISTRICT ATTORNEYS:

(a) Court Operations Program	13,058,841
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The proposed spending plan included in the above total is as follows:

Salaries of District

Attorneys 2,525,999

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 61,312

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit 145,577

Salaries and expenses of Supernumerary District Attorneys 1,116,250

For use in the District Attorney's Office of the following Judicial Circuits:

1st Judicial Circuit 128,814

2nd Judicial Circuit 143,493

3rd Judicial Circuit 197,890

4th Judicial Circuit 446,560

5th Judicial Circuit 411,727

6th Judicial Circuit 318,485

7th Judicial Circuit 253,716

8th Judicial Circuit 193,289

9th Judicial Circuit 172,074

10th Judicial Circuit 483,268

11th Judicial Circuit 138,746

12th Judicial Circuit 296,338

13th Judicial Circuit 522,830

14th Judicial Circuit	168,087
15th Judicial Circuit	451,468
16th Judicial Circuit	273,850
17th Judicial Circuit	140,335
18th Judicial Circuit	301,953
19th Judicial Circuit	208,203
20th Judicial Circuit	217,899
21st Judicial Circuit	164,733
22nd Judicial Circuit	143,933
23rd Judicial Circuit	360,739
24th Judicial Circuit	136,542
25th Judicial Circuit	130,666
26th Judicial Circuit	228,670
27th Judicial Circuit	181,310
28th Judicial Circuit	274,207
29th Judicial Circuit	246,276
30th Judicial Circuit	234,267
31st Judicial Circuit	134,113
32nd Judicial Circuit	172,911
33rd Judicial Circuit	170,413
34th Judicial Circuit	118,267
35th Judicial Circuit	112,922
36th Judicial Circuit	114,605
37th Judicial Circuit	225,335
38th Judicial Circuit	173,148
39th Judicial Circuit	146,180
Travel Expenses of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	13,058,841	
Total District Attorneys	13,058,841	13,058,841

34. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	5,063,270
(b) Planning Program	34,306,826

Of the above appropriation, \$300,000 shall be spent for the Regional Planning Commissions.

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(c) Special Services Program	18,563,078
(d) Skills Enhancement and Employment Opportunities Program	63,984,265
(e) Energy Management Program	9,704,856
(f) Traffic Control and Accident Prevention Program	3,034,323
(g) Law Enforcement Planning and Development Program	5,022,782
(h) Surplus Property Program	1,403,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	6,596,681		
(2) Federal and Local Funds		128,119,449	
(3) Administrative Transfers and Other Departmental Receipts		5,063,270	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		603,000	

Total Alabama Department of Economic and Community Affairs	6,596,681	134,485,719	141,082,400
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35. EDUCATION, DEPARTMENT OF:

(a) Direct Client Services for the Handicapped-Homebound Program	2,000,000
(b) Projects-Vocational Rehabilitation/Crippled Children Services Program-Eye Injury Register	30,000

SOURCE OF FUNDS:

(1) State General Fund	2,030,000		
Total Department of Education	2,030,000		2,030,000

36. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees As provided in Section 34-36-17, <u>Code of Alabama 1975</u> .	93,000		
Total Board of Electrical Contractors		93,000	93,000

37. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program	4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265	
Total Elk River Development Agency	4,265	4,265

38. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program		5,284,164
(b) Transfer to County Emergency Management Agencies		350,000

The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,096,760	
(2) Federal and Local Funds	4,537,404	
Total Emergency Management Agency	1,096,760	5,634,164

39. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program		27,149
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SOURCE OF FUNDS:

(1) State General Fund	27,149	
Total Southern States Energy Board	27,149	27,149

40. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program		428,000
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SOURCE OF FUNDS:

(1) Professional Engineers Fund	428,000	
As provided in Section 34-11-36, <u>Code of Alabama 1975</u> .		
Total State Board of Registration for Professional Engineers and Land Surveyors	428,000	428,000

41. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program		33,266,015
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,845,110	
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(2) State General Fund-Transfer to Water Pollution Control Authority	2,200,000		
(3) State General Fund-Transfer to Tire Recycling Center	100,000		
(4) Environmental Management Fines and Fees		2,511,498	
As provided in Section 22-22A-11, <u>Code of Alabama 1975</u> .			
(5) Federal and Local Funds		8,209,407	
(6) Federal Match-Water Pollution Control Authority		11,000,000	
(7) Transfer from Underground Storage Tank Trust Fund-Act 88-378		400,000	
(8) Underground Storage Trust Fund Fees-Act 88-378		4,000,000	
Total Department of Environmental Management	7,145,110	26,120,905	33,266,015

In addition to the above appropriation to the Department of Environmental Management, there is hereby conditionally appropriated from the State General Fund \$500,000 to be used solely for the purpose of cleanup operations of abandoned or inactive hazardous substance sites, reimbursement to the fund for monies expended by the department for cleanup of such sites, and as matching funds to allow cleanups and operation and maintenance of sites which have completed cleanup under the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), such funds to be released to the fund on a project-by-project basis, conditioned upon the availability of funds in the State General Fund, the recommendation of the Finance Director, and the approval of the Governor.

42. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program	327,030
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SOURCE OF FUNDS:

(1) State General Fund	327,030	
Total Alabama Ethics Commission	327,030	327,030

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund

\$64,326 to the Alabama Ethics Commission, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

43. FARM CRISIS AND TRANSITION PROGRAM:

(a) Agricultural Development Services Program	110,082
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	110,082	
Total Farm Crisis and Transition Program	110,082	110,082

44. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program	284,398
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SOURCE OF FUNDS:

(1) State General Fund-Transfer for Administration	97,332	
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account	43,533	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account	143,533	
Total Farmers' Market Authority	97,332	284,398

45. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program	3,847,591
(b) Administrative Support Services Program	4,755,652

SOURCE OF FUNDS:

(1) State General Fund	8,553,243	
(2) Miscellaneous Funds	50,000	
Total Department of Finance	8,553,243	8,603,243

46. FINANCE, DEPARTMENT OF-AIR TRANSPORTATION:

(a) Administrative Support Services Program	1,753,675
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SOURCE OF FUNDS:

(1) State General Fund	1,191,265	
(2) Departmental Receipts, Estimated	562,410	

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Total Department of Finance-Air Transportation	1,191,265	562,410	1,753,675
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47. FINANCE, DEPARTMENT OF-
ALABAMA BUILDING AU-
THORITY:

(a) Administrative Support Services Program, Estimated			1,029,164
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SOURCE OF FUNDS:

(1) Alabama Building Authority Op- erating Fund	1,029,164		
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Total Department of Finance-Ala- bama Building Authority	1,029,164	1,029,164	
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48. FINANCE, DEPARTMENT OF-
ALABAMA BUILDING FI-
NANCE AUTHORITY:

(a) Administrative Support Services Program, Estimated			1,240,461
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SOURCE OF FUNDS:

(1) Alabama Building Finance Au- thority Operating Fund	1,240,461		
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Total Department of Finance-Ala- bama Building Finance Authority ..	1,240,461	1,240,461	
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49. FINANCE, DEPARTMENT OF-
CAPITOL COMPLEX MAINTe-
NANCE AND REPAIR:

(a) Administrative Support Services Program, Estimated			11,192,753
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SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund	11,192,753		
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Total Department of Finance-Capitol Complex Maintenance and Repair	11,192,753	11,192,753	
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The above appropriation includes funds
for maintenance, repair and lease
payments on the new Gordon Per-
sons Building.

50. FINANCE, DEPARTMENT OF-
DATA CENTER REVOLVING
FUND:

(a) Administrative Support Services Program, Estimated			18,507,570
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund	18,507,570		
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Total Department of Finance-Data Center Revolving Fund	18,507,570	18,507,570
51. FINANCE, DEPARTMENT OF-STATE INSURANCE FUND:		
(a) Administrative Support Services Program		747,559
SOURCE OF FUNDS:		
(1) State Insurance Fund-Admin.	747,559	
As provided in Sections 41-15-1 et seq., <u>Code of Alabama 1975.</u>		
Total Department of Finance-State Insurance Fund	747,559	747,559
52. FINANCE, DEPARTMENT OF-CENTRAL MAIL AND SUPPLY:		
(a) Administrative Support Services Program, Estimated		5,676,624
SOURCE OF FUNDS:		
(1) Mail and Supply Revolving Fund	5,676,624	
Total Department of Finance-Central Mail and Supply	5,676,624	5,676,624
53. FINANCE, DEPARTMENT OF-MOTOR POOL:		
(a) Administrative Support Services Program, Estimated		1,880,271
SOURCE OF FUNDS:		
(1) Motor Pool Revolving Fund	1,880,271	
Total Department of Finance-Motor Pool	1,880,271	1,880,271
54. FINANCE, DEPARTMENT OF-PRINTING AND PUBLICATIONS:		
(a) Administrative Support Services Program		4,881,315
SOURCE OF FUNDS:		
(1) Printing and Publications Revolving Fund	4,881,315	
Total Department of Finance-Printing and Publications	4,881,315	4,881,315
55. FINANCE, DEPARTMENT OF-TELEPHONE REVOLVING FUND:		
(a) Administrative Support Services Program		8,741,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	2,312,000	

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(2) Telephone Revolving Fund, Est. ..	6,429,500		
Total Department of Finance-Telephone Revolving Fund	2,312,000	6,429,500	8,741,500
56. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			102,205
SOURCE OF FUNDS:			
(1) State General Fund	102,205		
Total Foreign Trade Relations Commission	102,205		102,205
57. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			6,369,225
SOURCE OF FUNDS:			
(1) State General Fund	6,211,710		
(2) Federal and Local Funds		157,515	
Total Department of Forensic Sciences	6,211,710	157,515	6,369,225
58. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			35,000
SOURCE OF FUNDS:			
(1) Professional Foresters Fund		35,000	
As provided in Section 34-12-36, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Registration for Foresters		35,000	35,000
59. FORESTRY COMMISSION, ALABAMA:			
(a) Forest Resources Protection and Development Program			24,401,242
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	12,876,624		
(2) Federal and Local Funds		2,801,625	
(3) Forestry Commission Fund		8,722,993	
Of the above appropriation, \$2,368,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission	12,876,624	11,524,618	24,401,242
Of the above appropriation, \$500,000 shall be used for forestry research,			

marketing, management and environmental improvement grants.

In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated for capital outlay from the Alabama Forestry Commission Fund the net proceeds from the sale of certain present property where the Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

60. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	135,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	135,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	135,000	135,000
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61. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,799,709
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SOURCE OF FUNDS:

(1) State General Fund	2,195,184		
(2) Federal and Local Funds		604,525	
Total Geological Survey	2,195,184	604,525	2,799,709

62. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000	5,000
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63. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program		1,117,028
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SOURCE OF FUNDS:

(1) State General Fund	1,117,028	
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Total Governor's Contingency Fund ...	1,117,028	1,117,028
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64. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program		9,073
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,073	
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Total Governor's Mansion Advisory Board	9,073	9,073
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65. GOVERNOR'S MANSION:

(a) Executive Direction Program		191,130
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SOURCE OF FUNDS:

(1) State General Fund	191,130	
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Total Governor's Mansion	191,130	191,130
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66. GOVERNOR'S OFFICE:

(a) Executive Direction Program		1,660,369
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SOURCE OF FUNDS:

(1) State General Fund	1,660,369	
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Total Governor's Office	1,660,369	1,660,369
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67. GOVERNOR'S OFFICE ON VOLUNTEERISM:

(a) Executive Direction Program		84,323
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	84,323	
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Total Governor's Office on Volunteerism	84,323	84,323
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68. HEALTH, DEPARTMENT OF PUBLIC:

(a) Personal Health Improvement Program		74,855,923
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(b) Health Support Services Program		51,656,612
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Of the amount appropriated to support local health department services,

\$5,000,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program 8,208,183

SOURCE OF FUNDS:

(1) State General Fund	28,480,182	
(2) Cigarette Tax-\$0.01 and \$0.02		4,000,000

As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.

(3) Vital Statistics Fund	1,263,053
(4) Hospital Licensing Fund	437,577
(5) Emergency Medical Services Fund	50,000

As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments	23,876,073
(7) Nuclear Monitoring Fund	134,770
(8) Radiation Safety Fund	79,911
(9) Miscellaneous Funds	12,519,239
(10) Federal Funds	63,879,913

Total Department of Public Health	28,480,182	106,240,536	134,720,718
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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

In addition to the above appropriation, there is hereby conditionally appropriated \$2,000,000 from the State General Fund to the Department of Public Health for the possible reduction in cigarette tax revenue due to the issuance of Mental Health bonds. These funds are conditioned upon the availability of funds in the State General Fund, the determination of

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a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

69. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning Development and Regulation Program	731,653
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	319,486		
(2) Certificate of Need Fees		362,167	
(3) Departmental Receipts		50,000	
Total State Health Planning Agency ..	319,486	412,167	731,653

70. HEARING AID DEALERS,
ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	50,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund	50,000		
<u>As provided in Section 34-14-33, Code of Alabama 1975.</u>			
Total Alabama Board of Hearing Aid Dealers		50,000	50,000

71. HEATING AND AIR CONDITIONING CONTRACTORS,
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	175,550
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund	175,550		
Total Board of Heating and Air Conditioning Contractors		175,550	175,550

72. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program	20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000		
Total Alabama Heritage Trust Fund ..		20,000	20,000

73. HIGHWAY DEPARTMENT:

(a) Central Administration Program	12,430,466
(b) Division and District Supervision Program	20,812,480

(c) Operations and Support Services Program		8,671,508
(d) Maintenance Program		144,391,788
(e) Non-Programmatic Programs		28,051,057
Proposed spending plan for the above (e) includes the following:		
Debt Service	26,373,056	
Equipment-Other than Automotive	1,678,001	
(f) Construction-Federal Aid Program		332,729,128
Proposed Spending Plan for the above (f) includes the following:		
Federal Aid Matching	48,119,128	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	283,610,000	
(g) Construction-State Program		20,000,000
(h) Operations-Land and Buildings ...		3,361,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	71,500	
(2) Public Road and Bridge Fund		286,765,927
(3) Federal Aid		283,610,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$26,373,056 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of

all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	71,500	570,375,927	570,447,427
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74. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program	290,150
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SOURCE OF FUNDS:

(1) State General Fund	290,150
Total Historic Blakeley Authority	290,150

75. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200
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Total Historic Chattahoochee Commission	98,200		98,200
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76. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			2,279,323
(b) Historical Resources Management Program-Capital Outlay			108,249
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,141,260		
The above appropriation shall be distributed as follows:			
Historical Commission, Alabama	569,486		
Historical Commission, Alabama-La Grange	7,774		
Historical Commission, Alabama-Magnolia Grove	38,000		
Historical Commission, Alabama-Fort Morgan	180,000		
Historical Commission, Alabama-Fort Toulouse	110,294		
Historical Commission, Alabama-John T. Morgan House, Selma	11,460		
Historical Commission, Alabama-Cahaba	150,000		
Historical Commission, Alabama-Gaineswood	74,246		
(2) State General Fund-Transfer-Capital Outlay	108,249		
(3) Soldiers Fund		174,170	
As provided in Section 40-8-3, <u>Code of Alabama 1975</u> .			
(4) Alabama State Historical Preservation Fund-Departmental Receipts		513,893	
(5) Federal and Local Funds		450,000	
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Total Alabama Historical Commission	1,249,509	1,138,063	2,387,572
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77. HUMAN RESOURCES, DEPARTMENT OF:			
(a) Human Services Program			311,010,970
It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund,			

upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. It is also the intent of the Legislature that a total of 7,500 day care slots be provided beginning on October 1, 1989.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	19,557,766		
(2) State General Fund-Transfer-Day Care Slots	1,500,000		
(3) Federal and Local Funds		206,329,454	
(4) ABC Profits		1,100,000	
(5) Whiskey Tax		21,477,000	
(6) Beer Tax		9,065,000	
(7) Pension Residue		14,773,000	
(8) Sales Tax		1,322,000	
(9) Franchise Tax		13,600,000	
(10) Child Support Collections		3,671,750	
(11) Sales Tax for Food Stamps		12,000,000	
(12) Cigarette Tax		4,250,000	
(13) Contractor's Gross Receipts Tax		2,365,000	
Total Department of Human Resources	21,057,766	289,953,204	311,010,970

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$2,378,731 to the Department of Human Resources to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

78. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program

157,176

The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	157,176	
Total Alabama Indian Affairs Commission	157,176	157,176

79. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program		73,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	73,000	
Total State Industrial Development Authority	73,000	73,000

80. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program		44,816,267
(b) Industrial Safety and Accident Prevention Program		8,275,868
(c) Administrative Services Program		10,523,200
(d) Workmen's Compensation Program		614,261

SOURCE OF FUNDS:

(1) State General Fund	1,222,318	
(2) Federal and Local Funds	63,007,278	
Total Department of Industrial Relations	1,222,318	63,007,278
		64,229,596

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$105,457 to the Department of Industrial Relations, Industrial Safety and Accident Prevention Program, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

81. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program		3,365,137
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SOURCE OF FUNDS:

(1) State General Fund	2,088,440	
(2) Fire Marshal's Fund	170,718	

As provided in Sections 34-33-11 and 8-17-211, Code of Alabama 1975.

(3) Examination Revolving Fund	1,105,979	
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Total Department of Insurance	2,088,440	1,276,697	3,365,137
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Of the above appropriation from the State General Fund, the sum of \$50,000 shall be expended by the Commissioner exclusively for newspaper publication of public notice of all insurance rate filings prior to any hearings, decisions or other determinations by the Commissioner.

82. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program			353,344
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund	353,344		
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Total State Employees' Insurance Board	353,344		353,344
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83. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program			6,500
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SOURCE OF FUNDS:

(1) Interior Designer Fund	6,500		
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As provided in Section 34-15A-7, Code of Alabama 1975.

Total Alabama State Board of Registration for Interior Designers	6,500		6,500
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84. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program			368,399
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SOURCE OF FUNDS:

(1) State General Fund	323,399		
(2) Federal and Local Funds		45,000	

Total Department of Labor	323,399	45,000	368,399
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85. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program			21,915
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund	21,915		
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As provided in Section 34-17-6, Code of Alabama 1975.

Total Board of Examiners of Landscape Architects	21,915	21,915
86. LIEUTENANT GOVERNOR, OFFICE OF THE:		
(a) Legislative Operations and Support Program		474,755
SOURCE OF FUNDS:		
(1) State General Fund	474,755	
Total Office of the Lieutenant Governor	474,755	474,755
87. LIQUEFIED PETROLEUM GAS BOARD:		
(a) Regulatory Services Program		356,500
SOURCE OF FUNDS:		
(1) Liquefied Petroleum Gas Board Fund	356,500	
Total Liquefied Petroleum Gas Board	356,500	356,500
88. MANUFACTURED HOUSING COMMISSION, ALABAMA:		
(a) Regulatory Services Program		494,921
SOURCE OF FUNDS:		
(1) Alabama Manufactured Housing Commission Fund	494,921	
As provided in Section 24-6-4, <u>Code of Alabama 1975.</u>		
Total Alabama Manufactured Housing Commission	494,921	494,921
89. MEDICAID AGENCY, ALABAMA:		
(a) Medical Assistance Through Medicaid Program		568,227,286
It is the intent of the Legislature that within the above appropriation, Medicaid will continue to cover, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will continue to include the present minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA		

program continue to provide for physician reimbursement for deliveries at minimum per patient which is at or above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions continue to include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State continue to allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, to remain eligible throughout their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) continue to be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A.87 and Health Care Financing Administration guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	110,108,431
(2) State General Fund-Transfer-SOBRA and Pregnancy Waiver	9,881,224
(3) Transfer from Department of Human Resources	4,266,220
(4) Transfer from Mental Health	20,848,628
(5) Transfer from Commission On Aging	2,401,266
(6) Transfer from Department of Public Health	500,000
(7) Indigent Care Trust Fund	2,196,780
(8) Departmental Receipts	350,000
(9) Federal and Local Funds	417,674,737

Total Alabama Medicaid Agency	119,989,655	448,237,631	568,227,286
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$2,226,136 to the Alabama Medicaid Agency, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

90. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,000	
Total Men's Hall of Fame	5,000	5,000

91. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program		96,912,940
(b) Institutional Treatment and Care-Mental Retardation Program		74,044,359
(c) Institutional Treatment and Care-Criminally Insane Program		6,203,318
(d) Administrative Services Program		5,587,910
(e) Community Services Program		62,651,782
(f) Agency Administration Program ..		763,107

SOURCE OF FUNDS:

(1) State General Fund	62,163,646	
(2) Special Mental Health Trust Fund		94,704,849

For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000
(4) Cigarette Tax	7,000,000
(5) Departmental Receipts	7,636,509
(6) Federal and Local Funds	73,658,412

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Total Department of Mental Health and Mental Retardation	62,163,646	183,999,770	246,163,416
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In addition to the above appropriation, there is hereby conditionally appropriated \$4,500,000 from the State General Fund to the Department of Mental Health and Mental Retardation for the possible reduction in cigarette tax revenue due to the issuance of Mental Health bonds. These funds are conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

There is also hereby conditionally appropriated from the State General Fund \$1,134,928 to the Department of Mental Health and Mental Retardation to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

92. MILITARY DEPARTMENT:

(a) Military Operations Program	5,684,821
(b) Capital Outlay	670,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,725,251
(2) State General Fund-Quarterly Allowances Headquarters	1,500,000

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, Specifications, Repair and Construction of Facilities ..	670,000
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The above appropriation shall include funding for the construction of two armories.

(4) State General Fund-Active Military Service	37,500
(5) State General Fund-Transfer to Armory Commission	2,413,570

(6) State General Fund-Dropping Allowance	4,500	
(7) State General Fund-State Defense Force	4,000	
Total Military Department	6,354,821	6,354,821

93. MILITARY DEPARTMENT-
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program	5,756,127
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,413,570
(2) Federal and Local Funds	3,290,000
(3) Military Department Billeting Revolving Fund, Estimated	47,546
(4) Departmental Receipts	5,011

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	5,756,127	5,756,127
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94. MOTOR SPORTS HALL OF
FAME:

(a) Tourism and Travel Promotion Program	68,044
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SOURCE OF FUNDS:

(1) State General Fund	68,044	
Total Motor Sports Hall of Fame	68,044	68,044

95. MUSIC HALL OF FAME, ALA-
BAMA:

(a) Fine Arts Program	120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354
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Total Alabama Music Hall of Fame	120,354		120,354
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96. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			1,173,985
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in <u>Code of Alabama 1975</u> , as amended, <u>Sections 34-21-1 through 34-21-43</u>	1,173,985		
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Total Alabama Board of Nursing	1,173,985		1,173,985
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97. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program			54,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	54,000		
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As provided in Section 34-20-7, Code of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators	54,000		54,000
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98. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,540,109
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SOURCE OF FUNDS:

(1) State General Fund	2,311,209		
(2) Oil and Gas Board Special Fund ..	218,900		
(3) Surety Bond Deposits, Estimated	10,000		

In accordance with Section 9-17-6, Code of Alabama 1975.

Total Oil and Gas Board	2,311,209	228,900	2,540,109
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99. PARDONS AND PAROLES, BOARD OF:

(a) Administration of Pardons and Paroles Program			12,521,342
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SOURCE OF FUNDS:

(1) State General Fund	9,377,342		
(2) Probationers Upkeep Fund	3,144,000		

In accordance with Section 15-22-2, Code of Alabama 1975.

Total Board of Pardons and Paroles ..	9,377,342	3,144,000	12,521,342
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$1,215,303 to the Department of Pardons and Paroles, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

100. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALA-
BAMA:

(a) Retirement Systems Program			365,751
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Ben- efit Fund	365,751		
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund		365,751	365,751
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101. PERSONNEL DEPART-
MENT, STATE:

(a) Administrative Support Services Program			3,473,611
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SOURCE OF FUNDS:

Transfers to the State Personnel De-
partment shall be as follows:

(1) Board of Public Accountancy	450		
(2) Department of Aeronautics	394		
(3) Commission on Aging	2,250		
(4) Department of Agriculture and Industries	50,690		
(5) Agricultural Center Board	3,376		
(6) Alcoholic Beverage Control Board	97,949		
(7) Board of Registration for Architects	169		
(8) Archives and History	5,345		
(9) State Council on the Arts	1,407		
(10) Attorney General's Office	19,860		
(11) State Auditor	2,307		
(12) State Banking Department	5,739		
(13) Building Commission	2,644		

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(14) Child Abuse and Neglect Prevention Board	225
(15) Chiropractic Examiners	113
(16) Department of Conservation and Natural Resources	146,614
(17) State Licensing Board for General Contractors	844
(18) Department of Corrections	316,126
(19) Board of Cosmetology	1,238
(20) Credit Union Administration	731
(21) Alabama Crime Victims Compensation Commission	844
(22) Criminal Justice Information Center	7,201
(23) Alabama Development Office	4,782
(24) State Docks	39,495
(25) Department of Economic and Community Affairs	37,694
(26) Department of Education	150,496
(27) Electrical Contractors Board	56
(28) Emergency Management Agency	4,557
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Professional Engineers and Land Surveyors	506
(31) Department of Environmental Management	29,087
(32) Ethics Commission	788
(33) Examiners of Public Accounts	23,404
(34) Farm Crisis and Transition Program Commission	563
(35) Farmers' Market Authority	281
(36) Finance Department	55,135
(37) Finance-Alabama Building Authority	3,038
(38) Finance-Alabama Building Finance Authority	2,700
(39) Foreign Trade Relations Commission	169
(40) Department of Forensic Sciences	13,446
(41) Forestry Commission	48,721
(42) Funeral Services	169
(43) Governor's Office	3,713
(44) Department of Public Health	261,329

(45) State Health Planning Agency ...	1,744
(46) Board of Heating and Air Con- ditioning Contractors	225
(47) Highway Department	429,378
(48) Alabama Historical Commission	5,457
(49) Department of Human Resources	455,033
(50) Alabama Indian Affairs Commission	169
(51) Department of Industrial Relations	184,927
(52) Insurance Department	5,907
(53) Judicial Inquiry Commission	56
(54) Department of Labor	1,013
(55) Legislative Reference Service	675
(56) Liquefied Petroleum Gas Board	731
(57) Manufactured Housing Commission	675
(58) Alabama Medicaid Agency	33,587
(59) Department of Mental Health and Mental Retardation	526,877
(60) Military Department	22,335
(61) Board of Nursing	1,969
(62) Board of Examiners of Nursing Home Administrators	56
(63) Oil and Gas Board	12,321
(64) Pardons and Paroles	31,506
(65) Peace Officers' Annuity and Ben- efit Fund	281
(66) Peace Officers' Standards and Training Commission	394
(67) Physical Fitness Commission	675
(68) Board of Physical Therapy	56
(69) Plumbers and Gas Fitters Ex- aminers Board	281
(70) Board of Polygraph Examiners ..	113
(71) Public Library Service	6,582
(72) Department of Public Safety	141,495
(73) Public Service Commission	14,628
(74) Alabama Educational Television Commission	9,452
(75) Real Estate Commission	2,138
(76) Retirement Systems	14,684
(77) Department of Revenue	139,525
(78) Seafood Advisory Commission ...	56

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(79) Secretary of State	3,882	
(80) Securities Commission	2,138	
(81) Board of Social Work Examiners	113	
(82) Soil and Water Conservation	506	
(83) Surface Mining Commission	4,782	
(84) Bureau of Tourism and Travel ...	8,664	
(85) State Treasurer	5,232	
(86) Department of Veterans' Affairs	7,258	
(87) Board of Veterinary Medical Examiners	169	
(88) Department of Youth Services ...	44,221	
Total State Personnel Department	3,473,611	3,473,611

102. PHYSICAL THERAPY,
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program	101,203
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SOURCE OF FUNDS:

(1) Physical Therapist Fund	101,203
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As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	101,203	101,203
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103. PLUMBERS AND GAS FIT-
TERS EXAMINING BOARD,
ALABAMA:

(a) Professional and Occupational Li- censing and Regulation Program	333,700
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	333,700
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Total Alabama Plumbers and Gas Fit- ters Examining Board	333,700	333,700
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104. POLYGRAPH EXAMINERS,
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program	30,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	30,000
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As provided in Section 34-25-5, Code of Alabama 1975.

Total Board of Polygraph Examiners	30,000	30,000
105. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		1,497,493
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	339,958	
(2) Office of Prosecution Services Fund	1,157,535	
Total Office of Prosecution Services ...	339,958	1,497,493
106. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Li- censing and Regulation Program		51,100
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund	51,100	
As provided in Section 34-26-43, <u>Code of Alabama 1975.</u>		
Total Alabama Board of Examiners in Psychology	51,100	51,100
107. PUBLIC SAFETY, DEPART- MENT OF:		
(a) Traffic Control and Accident Pre- vention Program		22,739,210
(b) Criminal Investigation Program ...		6,485,599
(c) Drivers' Licensing and Improve- ment Program		7,749,801
(d) Public Safety Support Services Program		7,776,226
(e) Administrative Services Program		6,972,325
(f) Alabama Criminal Justice Train- ing Center Program		1,155,581
SOURCE OF FUNDS:		
(1) State General Fund	48,807,714	
(2) Transfer from ABC Profits	2,000,000	
(3) Federal and Local Funds	2,071,028	
Total Department of Public Safety	48,807,714	52,878,742
In addition to the above appropriation, there is hereby conditionally appro- priated from the State General Fund \$2,000,000 to the Department of Public Safety for additional person- nel and employee benefits. These funds are conditioned upon the		

availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

108. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program	4,665,361
(b) Administrative Services Program	3,446,689

SOURCE OF FUNDS:

(1) Public Service Commission Fund	7,613,575
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies, and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	376,475	
(3) Departmental Receipts	22,000	
(4) Federal and Local Funds	100,000	
Total Public Service Commission	8,112,050	8,112,050

109. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,267,638
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,267,638
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,267,638	1,267,638
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110. REVENUE, DEPARTMENT
OF:

(a) State Revenue Administration Program	57,212,964
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000
As provided in Section 40-7-70, <u>Code of Alabama 1975</u> , to maintain a program for the equalization of ad valorem tax assessments.	
(2) State General Fund-Board of Equalization	124,442
(3) Transfer from the gross proceeds of Cigarette Tax Collections	1,061,183
As provided in Section 40-25-27, <u>Code of Alabama 1975</u> .	
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	275,023
(5) Transfer from the proceeds of the Forest Severance Tax Collections ...	101,293
(6) Transfer from the gross proceeds of Gasoline Tax Collections	4,815,399
(7) Transfer from the Income Tax Collections	16,342,505
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,003,607
(9) Transfer from the gross proceeds of Motor Vehicle License Collections	2,176,085
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	665,864
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,640,516
(12) Transfer from the gross proceeds of Sales Tax Collections	14,417,291
(13) Transfer from the gross proceeds of the Tobacco Tax Collections	43,431
(14) Transfer from the gross proceeds of Use Tax Collections	1,577,798
(15) Transfer from the gross proceeds of the Utility Tax Collections	3,503,004
(16) Local Funds	6,000,440

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(17) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags 2,365,083

(18) Inspection fees for restored vehicles 750,000

As provided in Section 32-8-87, Code of Alabama 1975.

(19) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, Code of Alabama 1975 100,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,442	56,838,522	57,212,964
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111. SEAFOOD ADVISORY COMMISSION:

(a) Marine Resources Program			41,000
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SOURCE OF FUNDS:

(1) Department of Conservation and Natural Resources Grant		41,000	
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Total Seafood Advisory Commission ..	41,000		41,000
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112. SECRETARY OF STATE:

(a) Administrative Support Services Program			2,058,764
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SOURCE OF FUNDS:

(1) State General Fund	928,764		
(2) UCC and Farm Indexing Fund		351,000	
(3) Corporations Fund		779,000	

Total Secretary of State	928,764	1,130,000	2,058,764
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113. SECURITIES COMMISSION:

(a) Regulatory Services Program			770,941
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SOURCE OF FUNDS:

(1) State General Fund	497,440		
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(2) Industrial Revenue Bond Notification Fund	135,674		
(3) Sale of Checks License Fund	3,307		
(4) Exemption Fund	134,520		
Total Securities Commission	497,440	273,501	770,941

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$168,921 to the Securities Commission, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

114. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	22,681		
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To be expended in accordance with Section 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681

115. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	68,083		
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund	68,083		
As provided in Section 34-30-6, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Social Work Examiners	68,083		68,083

116. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program	1,325,706		
(b) Professional and Occupational Licensing and Regulation Program	4,000		

SOURCE OF FUNDS:

(1) State General Fund	1,285,706		
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(2) Soil Classifiers Fund	4,000		
As provided in Section 34-32-19, <u>Code of Alabama 1975</u> .			
(3) Transfer from Agricultural and Conservation Development Commission	40,000		
Total State Soil and Water Conservation Committee	1,285,706	44,000	1,329,706
117. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			28,943
SOURCE OF FUNDS:			
(1) State General Fund	28,943		
Total Southern Growth Policies Board	28,943		28,943
118. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:			
(a) Tourism and Travel Promotion Program			200,000
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total Space Science Exhibit Commission	200,000		200,000
119. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			39,686
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	39,686		
As provided in Section 34-28A-44, <u>Code of Alabama 1975</u> .			
Total Alabama Board of Examiners for Speech Pathology and Audiology	39,686		39,686
120. SPORTS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			145,000
SOURCE OF FUNDS:			
(1) State General Fund	145,000		

Total Alabama Sports Hall of Fame ...	145,000		145,000
121. SURFACE MINING COMMISSION, ALABAMA:			
(a) Industrial Safety and Accident Prevention Program			4,054,239
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	375,000		
(2) Surface Mining Commission-Fees		611,779	
(3) Federal and Local Funds		1,067,460	
(4) Bond Forfeiture/Reclamation Projects, Estimated		2,000,000	
As provided by Section 9-16-103, <u>Code of Alabama 1975</u> .			
Total Alabama Surface Mining Commission	375,000	3,679,239	4,054,239
122. TANNEHILL FURNACE AND FOUNDRY COMMISSION:			
(a) Historical Resources Management Program			296,392
SOURCE OF FUNDS:			
(1) State General Fund	296,392		
Total Tannehill Furnace and Foundry Commission	296,392		296,392
123. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			101,000
SOURCE OF FUNDS:			
(1) State General Fund	101,000		
Total Tennessee-Tombigbee Waterway Development Authority	101,000		101,000
124. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:			
(a) Promotional Development Program			476,241
To be expended in accordance with Sections 41-9-780 et seq., <u>Code of Alabama 1975</u> .			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	70,766		
(2) Admissions and Concessions		95,875	

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(3) Interest on Investment Account ...	190,000		
(4) Federal and Local Funds	119,600		
Total Tennessee Valley Exhibit Commission of Alabama	70,766	405,475	476,241

125. TOURISM AND TRAVEL, BUREAU OF:

(a) Tourism and Travel Promotion Program			5,032,772
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The above appropriation shall include \$100,000 for the Overlook Tourist Center and \$25,000 for Constitutional Hall Tourist Center.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,442,411		
(2) Lodgings Tax (\$0.01)		3,590,361	
Receipts collected under the provisions of Section 40-26-1 et seq., <u>Code of Alabama 1975</u> .			

Total Bureau of Tourism and Travel ..	1,442,411	3,590,361	5,032,772
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126. TREASURER, STATE:

(a) Fiscal Management Program			1,739,448
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SOURCE OF FUNDS:

(1) State General Fund	1,739,448		
Total State Treasurer	1,739,448		1,739,448

127. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated			6,500
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SOURCE OF FUNDS:

(1) State General Fund	6,500		
As provided in Section 41-9-374, <u>Code of Alabama 1975</u> .			

Total Alabama Commission on Uniform State Laws	6,500		6,500
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128. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program			3,065,947
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SOURCE OF FUNDS:

(1) State General Fund	3,065,947		
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Total Department of Veterans' Affairs	3,065,947	3,065,947
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129. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		145,000
SOURCE OF FUNDS:		
(1) State Board of Veterinary Medical Examiners Fund	145,000	
As provided in Section 34-29-23 and Section 34-29-41, <u>Code of Alabama 1975</u> .		
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Total Alabama State Board of Veterinary Medical Examiners	145,000	145,000
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130. WOMEN'S COMMISSION, ALABAMA:		
(a) Employment and Social Opportunities Program		9,980
SOURCE OF FUNDS:		
(1) State General Fund	9,980	
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Total Alabama Women's Commission	9,980	9,980
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131. WOMEN'S HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		5,444
SOURCE OF FUNDS:		
(1) State General Fund	5,444	
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Total Alabama Women's Hall of Fame	5,444	5,444
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132. YOUTH SERVICES, DEPARTMENT OF:		
(a) Youth Services Program		617,977
The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, <u>Code of Alabama 1975</u> .		
(b) Juvenile Probation Officers Subsidy		2,586,000
SOURCE OF FUNDS:		
(1) State General Fund-Youth Services Program	617,977	
(2) State General Fund-Juvenile Probation Officers Subsidy	2,586,000	
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Total Department of Youth Services ..	3,203,977	3,203,977
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2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GENERAL
FUND:

1. ADVERTISING LANDS FOR
TAX SALE:

(a) State Revenue Administration Program, Estimated		90,000
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SOURCE OF FUNDS:

(1) State General Fund	90,000	
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As provided in Section 40-10-22, Code
of Alabama 1975.

Total Advertising Lands for Tax Sale	90,000	90,000
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2. ARREST OF ABSCONDING
FELONS:

(a) Criminal Investigation Program, Estimated		65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000	
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As provided in Section 15-9-3, Code of
Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. ATTORNEYS' FEES FOR RE-
APPORTIONMENT CASES:

(a) Legal Advice and Legal Services Program, Estimated		150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Attorneys' Fees for Reapportion- ment Cases	150,000	150,000
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4. AUTOMATIC APPEAL EX-
PENSE:

(a) Legal Advice and Legal Services Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 12-22-150 and
Section 12-22-241, Code of Alabama
1975.

Total Automatic Appeal Expense	100	100
5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
As provided in Section 40-7-45, <u>Code of Alabama 1975</u> .		
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 37-1-18 <u>Code of Alabama 1975</u> .		
Total Consumer Utility Rate Hearing	250,000	250,000
7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:		
(a) Court-Assessed Cost Provided in Code of Alabama 1975, Sections 22-52-14, 30-4-95, 26-17-17 and Acts 87-574 and 88-538, Estimated		500,000
(b) Legal Advice and Legal Services Program		500,000
It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.		
SOURCE OF FUNDS:		
(1) State General Fund, Estimated	500,000	
(2) State General Fund	500,000	

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Total Court Cost Not Otherwise Provided For	1,000,000	1,000,000
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8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
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Pursuant to Act No. 558, 1957, page 777.

Total Court Costs-Act No. 558, 1957	500	500
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9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
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As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.

Total Distribution of Public Documents	80,000	80,000
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10. STATE DOCKS TRANSFER 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		1,712,430
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(b) Training of Election Officials, Estimated		80,000
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	1,792,430	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,792,430	1,792,430
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$500,000 to Election Expenses, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation shall be transferred to the Governor's contingency fund.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	200,000	
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Total Fair Trial Tax	200,000	200,000
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14. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated		3,000,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

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Total Feeding of Prisoners	3,000,000	3,000,000
15. DEPARTMENT OF FINANCE- CAPITOL RENOVATION:		
(a) Special Services Program, Estimated		2,000,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Out- lay, Estimated	2,000,000	
Total Department of Finance-Capitol Renovation	2,000,000	2,000,000
16. DEPARTMENT OF FINANCE- EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	
In accordance with Section 36-1-7, <u>Code of Alabama 1975.</u>		
Total Department of Finance-Employ- ees' Suggestion Awards Program	10,000	10,000
17. FOREST FIRE FUND, EMER- GENCY:		
(a) Forest Resources Protection and Development Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, <u>Code of Alabama 1975.</u>		
Total Emergency Forest Fire Fund	180,000	180,000
18. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program, Estimated		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
Total National Governor's Conference	135,760	135,760
19. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	

As provided in Section 36-13-13, Code of Alabama 1975.

Total Governor's Councillor	26,000	26,000
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20. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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21. GOVERNORS' WIDOWS RETIREMENT:

(a) Executive Direction Program, Est.		28,800
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SOURCE OF FUNDS:

(1) State General Fund	28,800	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	28,800	28,800
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22. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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23. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated		18,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	18,000	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	18,000	18,000
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24. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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25. LIABILITY INSURANCE FUND, STATE		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

26. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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27. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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28. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

Total Policeman's Survivor Tuition Act	15,000	15,000
<hr/>		
29. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administrative Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Section 17-19-8, <u>Code of Alabama 1975.</u>		
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Total Presidential Electoral Expense ..	2,000	2,000
<hr/>		
30. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, <u>Code of Alabama 1975.</u>		
<hr/>		
Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
<hr/>		
31. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975.</u>		
<hr/>		
Total Printing Codes and Supplements-Secretary of State	165,000	165,000
<hr/>		
32. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975.</u>		
<hr/>		

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Total Printing of Legislative Acts and Journals	500,000	500,000
33. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
34. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,150,000
(b) Voter Identification Assistance Program		60,000
SOURCE OF FUNDS:		
(1) State General Fund	60,000	
(2) State General Fund, Estimated	1,150,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975</u> .		
Total Registration of Voters	1,210,000	1,210,000
35. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975</u> .		
Total Removal of Prisoners	300,000	300,000
36. STATE GENERAL FUND, ESTIMATED		
		59,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	59,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.		

Total State General Fund, Estimated	59,000,000	59,000,000
<hr/>		
37. STATE TREASURER-PRE- VIOUS YEAR'S UNPAID WAR- RANTS:		
(a) Special Services Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
As provided in Section 41-4-60, <u>Code of Alabama 1975.</u>		
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Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
<hr/>		
2E. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Im- provement Bonds, Series B, Estimated		1,149,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,149,500	
<hr/>		
Total General Obligation Capital Im- provement Bonds, Series B, Estimated	1,149,500	1,149,500
<hr/>		
2. General Obligation Coosa Water- way Bonds, Series A and B, Estimated		1,012,565
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,012,565	
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Total General Obligation Coosa Water- way Bonds, Series A and B, Estimated	1,012,565	1,012,565
<hr/>		
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		5,117,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	5,117,500	
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Total General Obligation Docks Faci- lities Bonds, Series A-C, Estimated	5,117,500	5,117,500
<hr/>		
4. Music Hall of Fame Bonds, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	150,000	
Pursuant to Constitutional Amend- ment No. 489 as provided in Act No. 88-549, 1988 Regular Session.		
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Total Music Hall of Fame Bonds, Estimated	150,000	150,000
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5. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		2,789,085
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	2,789,085	
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Pursuant to Constitutional Amend-
ment No. 270 as provided in Act No.
248, 1967 Regular Session.

Total Tennessee-Tombigbee Water- way Bonds, Series A and C-D, Estimated	2,789,085	2,789,085
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6. Corrections Institution Bonds, Estimated		1,744,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,744,500	
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Pursuant to Constitutional Amend-
ment No. 374 as provided for in Act
No. 134, 1978 Second Special Ses-
sion.

Total Corrections Institution Bonds, Estimated	1,744,500	1,744,500
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7. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,661,207
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,661,207	
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,661,207	66,661,207
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 305735 by Act 87-761, Act 88-947 and Act 88-953 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amounts necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in Section 2C, subsection 101.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

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SECTION 12. That this Act shall become effective October 1, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

AMENDMENT OFFERED

Rep. Holley offered the following amendment #1 to the bill, H. 246 as amended:

Amend House Bill 246 as substituted on page 30, line 30 by deleting the figure "33,266,015" and inserting in lieu thereof the figure "33,366,015".

Further Amend on page 30 after line 35 by inserting the following new line and renumbering all subsequent sub-sections accordingly:

"(3) State General Fund-Transfer to

Hazardous Substance Clean-up

Fund 100,000

".

Further amend on page 31, line 18 by deleting the figures "7,145,110" and "33,266,015" and inserting in lieu thereof the figures "7,245,110" and "33,366,015" respectively.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #1 offered by Rep. Holley to the bill, H. 246 as amended, was tabled.

Yeas 74; Nays 9.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels,

Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Beasley, Bowling, Flowers, Hamilton, Headley, Hill, Holley, Parker and Poole.

—9

AMENDMENT OFFERED

Rep. Perdue offered the following amendment to the bill, H. 246 as amended:

Amend House Bill 246 as substituted on page 54, by deleting lines 34 in their entirety.

Further amend on page 55 by deleting lines 5-28 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 246 as amended:

To amend H. B. 246 as substituted on page 46 after the period on line 18 the following:

“In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds to purchase capital equipment (rolling stock) for the state mass transportation program and for an insurance and/or self insurance program.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

AMENDMENT OFFERED

Rep. Holley offered the following amendment #2 to the bill, H. 246 as amended:

Amend House Bill 246 as substituted on page 30, line 30 by deleting the figure “33,266,015” and inserting in lieu thereof the figure “33,666,015”.

Further amend on page 30, line 32 by deleting the figure “4,845,110” and inserting in lieu thereof the figure “5,245,110”.

Further amend on page 31, line 18 by deleting the figures “7,145,110” and “33,266,015” and inserting in lieu thereof the figures “7,545,110” and “33,666,015” respectively.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #2 offered by Rep. Holley to the bill, H. 246 as amended, was tabled.

Yeas 56; Nays 20.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Drake, Escott, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Hooper, Johnson (RG), Johnson (RW), Laird, Logan, Marietta, Mathis, McClain, McKee, Mikell, Newman, Newton, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Willis and Wright.

—56

Nays:

Reps. Blake, Bowling, Brooks, Campbell, Flowers, Ford, Freeman, Hall, Harvey, Higginbotham, Hill, Holley, Kvalheim, McMillan, Moon, Parker, Payne, Poole, Rains and Williams.

—20

AMENDMENT OFFERED

Rep. Hogan offered the following amendment to the bill, H. 246 as amended:

AMENDMENT TO H. B. 246 AS SUBSTITUTED

Amend House Bill 246 as substituted on page 50 after line 25 by adding the following:

“Of the above appropriation, a total of \$100,000 shall be distributed to Walker State Technical College to be used in mine rescue programs.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Wright.

—82

Nay: Rep. Johnson (RW).

—1

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 246 as amended:

Amend House Bill 246 as Substituted on page 40, line 21 by deleting the figure “74,855,923” and inserting in lieu thereof the figure “75,855,923”.

Further amend House Bill 246 as Substituted on page 40, line 34 by deleting the figure “28,480,182” and inserting in lieu thereof the figure “29,480,182”.

Further amend House Bill 246 as Substituted on page 41, line 19 by deleting the figures “28,480,182” and “134,720,718” and inserting in lieu thereof the figures “29,480,182” and “135,720,718” respectively.

Further amend House Bill 246 as Substituted on page 86, lines 25 and 27 by deleting the figure “1,500,000” and inserting in lieu thereof the figure “500,000”.

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Further amend House Bill 246 as Substituted on page 87, line 14 by deleting the figure "1,500,000" and inserting in lieu thereof the figure "500,000".

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Fuller to the bill, H. 246 as amended, was tabled.

Yeas 66; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Escott, Flowers, Ford, Frazier, Gaston, Goodwin, Grouby, Hammett, Harper, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Williams and Willis.

—66

Nays:

Reps. Blake, Coburn, Freeman, Fuller, Hall, Haynes, Hill, Johnson (RG), Parker, Petelos, Slaughter and Wright.

—12

AMENDMENT OFFERED

Rep. Fuller offered the following amendment #2 to the bill, H. 246 as amended:

Amend House Bill 246 as Substituted on page 40, line 21 by deleting the figure "74,855,923" and inserting in lieu thereof the figure "75,255,923".

Further amend House Bill 246 as Substituted on page 40, line 34 by deleting the figure "28,480,182" and inserting in lieu thereof the figure "28,880,182".

Further amend House Bill 246 as Substituted on page 41, line 19 by deleting the figures "28,480,182" and "134,720,718" and inserting in lieu thereof the figures "28,880,182" and "135,120,718" respectively.

Further amend House Bill 246 as Substituted on page 86, lines 25 and 27 by deleting the figure "1,500,000" and inserting in lieu thereof the figure "1,100,000".

Further amend House Bill 246 as Substituted on page 87, line 14 by deleting the figure "1,500,000" and inserting in lieu thereof the figure "1,100,000".

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #2 offered by Rep. Fuller to the bill, H. 246 as amended, was tabled.

Yeas 59; Nays 26.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bugg, Buskey (JL), Butler, Carter, Cosby, Crow, Curry, Escott,

Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harvey, Hogan, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Newman, Newton, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—59

Nays:

Reps. Beasley, Box, Bryant, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Frazier, Fuller, Grayson, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Kennedy, Marietta, Mikell, Moon, Parker, Payne, Poole, Warren and Zoghby.

—26

And the bill, H. 246 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—98

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 246:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Laird, Layson, Logan, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton, Payne, Petelos, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams and Willis.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 180, was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow,

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Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), Williams, Willis, Wright and Zoghby.

—75

Nay: Rep. Brooks.

—1

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 180.

And the bill:

H. 180. To make an appropriation from the State General Fund to the YMCA-Cleveland Avenue Branch for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

Nay: Rep. Brooks.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 180:

Reps. Beers, Bugg, Buskey (JL), Davis, Escott, Holmes, Hooper, Kennedy, McClain, McDowell, Mikell, Moon, Newton, Perdue, Rains, Rogers, Spratt, Thomas, Walker, White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 183, was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

Nay: Rep. Brooks.

—1

And the bill:

H. 183. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

Nay: Rep. Brooks.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 183:

Reps. Beers, Biddle, Buskey (JE), Carter, Clark (W), Curry, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Hamilton, Hooper, Kennedy, Knight, Kvalheim, Logan, Marietta, Newton, Payne, Rains, Richardson, Rogers, Slaughter, Spratt, Walker, Warren, White (G), White (L) and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 184, was adopted.

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Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Buskey (JE), Campbell, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Moon, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

—74

Nay: Rep. Brooks.

—1

And the bill:

H. 184. To make an appropriation from the State General Fund to the Fort Gaines for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 185, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett,

Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 185. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 186, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

And the bill:

H. 186. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1990.

and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 189, was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

Nay: Rep. Brooks.

—1

And the bill:

H. 189. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers,

Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 190, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Brooks.

—1

And the bill:

H. 190. To make an appropriation from the State General Fund to the Beacon House-Jasper for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers,

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Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 192, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Brooks.

—1

And the bill:

H. 192. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 194, was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—71

Nay: Rep. Brooks.

—1

And the bill:

H. 194. To make an appropriation from the State General Fund to the Mobile Exploreum Children's Museum for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 195, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL),

Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

And the bill:

H. 195. To provide for a supplemental appropriation from the Board of Examiners of Nursing Home Administrators Fund to the Board of Examiners of Nursing Home Administrators for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Gaston, Goodwin, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 197, was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Frazier, Gaston, Goodwin, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—75

Nay: Rep. Brooks.

—1

And the bill:

H. 197. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JL), Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 199, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

AMENDMENT OFFERED

Rep. Buskey (JE) offered the following amendment to the bill, H. 199:

Amend H. B. 199 on Page 1 by deleting line 32 and inserting in lieu thereof the new line 32:

"7. Children's and Women's Hospital
(Comprehensive Sickle Cell Center) \$30,000"

H. 199 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 199, and the pending amendment were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 200, was adopted.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Gaston, Goodwin, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, White (G), Williams, Willis, Wright and Zoghby.

—70

Nay: Rep. Brooks.

—1

And the bill:

H. 200. To make an appropriation from the State General Fund to the Parents Anonymous of Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Coburn, Cosby, Davis, Dillard, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), Williams, Wright and Zoghby.

—79

Nay: Rep. Brooks.

—1

H. 199 AGAIN TAKEN UP

AMENDMENT ADOPTED

The question was then on the adoption of the amendment previously offered by Rep. Buskey (JE) to the bill, H. 199, and the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake Escott, Frazier, Gaston, Goodwin, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—78

And the bill, H. 199 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—81

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 210, was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter,

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Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—77

Nay: Rep. Brooks.

—1

And the bill:

H. 210. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—80

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 217, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt,

Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

And the bill:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Laird, Marietta, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 219, was adopted.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

Nay: Rep. Brooks.

—1

And the bill:

H. 219. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1990,

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and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—75

Nay: Rep. Brooks.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 31. RECOGNIZING WITH COMMENDATION, THE ESTABLISHMENT OF THE SOUTHEAST ALABAMA AGRICULTURAL EXPERIMENT STATION AND SCHOOL.

Also:

H. J. R. 41. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE STAMP IN HONOR OF THE LATE JOHN L. LEWIS.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 221, was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks,

Mathis, McClain, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nay: Rep. Brooks.

—1

And the bill:

H. 221. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Walker, White (G), White (L), Williams, Willis and Wright.

—80

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 222, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

Nay: Rep. Brooks.

—1

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221

And the bill:

H. 222. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 223, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JL), Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Brooks.

—1

And the bill:

H. 223. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for capital outlay for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 224, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

And the bill:

H. 224. (With Substitute): To make an appropriation from the State General Fund to the Child Advocacy Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and to

require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of three hundred thousand dollars (\$300,000) from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1990. Said appropriation is to be used for the support and maintenance of said centers as follows:

1. Prescott House-Birmingham \$50,000
2. National Children's Advocacy Center, Inc.-Huntsville \$50,000
3. The Child Advocacy Center, Inc.-Mobile \$50,000
4. Montgomery Child Protection and Advocacy Center, Inc. .. \$50,000
5. Tuscaloosa Children's Center, Inc. \$50,000
6. Bessemer Cut-off Advocacy Center \$50,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1989-90, an operations plan for fiscal year 1988-89 and an audited financial statement for all operations during fiscal year 1987-88 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-90 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on October 1, 1989.

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

And the bill:

H. 224. To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and to require an operations plan and audited financial statement prior to release of any funds.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 225, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

Nay: Rep. Brooks.

—1

And the bill:

H. 225. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers,

Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 226, was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nay: Rep. Brooks.

—1

And the bill:

H. 226. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson,

Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

—84

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 227, was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

And the bill:

H. 227. (With Substitute): To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1990, there is hereby appropriated to the Coalition Against Domestic Violence from the State General Fund, the sum of one hundred fifty-two thousand, three hundred twenty-seven dollars (\$152,327).

Section 2. The above appropriation from the State General Fund is to be distributed according to a formula to be determined by the Coalition to the following:

- (1) Safeplace, Inc., Florence;
- (2) Tuscaloosa Spouse Abuse Network, Tuscaloosa;
- (3) Montgomery Area Family Violence Program, Inc., Montgomery;
- (4) Penelope House, Inc., Mobile;
- (5) East Alabama Task Force for Battered Women, Inc., Auburn;
- (6) House of Ruth, Inc., Dothan;
- (7) Family Violence Project, Birmingham;
- (8) HOPE Place, Inc., Huntsville;
- (9) Daybreak Family Resource Center of Northwest Alabama, Jasper;
and
- (10) Shelter, Inc., Gadsden.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1989-90, an operations plan for fiscal year 1988-89 and an audited financial statement for all operations during fiscal year 1987-88 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1989-90 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1989.

And the substitute was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 227 as amended:

Amend House Bill 227, as substituted, on Page 2, line 8, by inserting the following:

“(11) 2nd Chance, Anniston.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill, H. 227 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 228, was adopted.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett,

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Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

Nay: Rep. Brooks.

—1

And the bill:

H. 228. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 229, was adopted.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

Nay: Rep. Brooks.

—1

And the bill:

H. 229. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker. Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Cosby, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 230, was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

—86

Nay: Rep. Brooks.

—1

And the bill:

H. 230. To make an appropriation from the State General Fund to the Brierfield Ironworks Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 231, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Brooks.

—1

And the bill:

H. 231. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 232, was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nay: Rep. Brooks.

—1

And the bill:

H. 232. To make an appropriation from the State General Fund to the Dathan Landmarks Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W),

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Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nay: Rep. Brooks.

—1

CO-SPONSOR ADDED

Rep. Carothers was added as co-sponsor to the bill, H. 232.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 233, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

—88

And the bill:

H. 233. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Britnell, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW),

Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—82

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 235, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—85

And the bill:

H. 235. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Drake, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Hill, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 236, was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—91

And the bill:

H. 236. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—91

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 237, was adopted.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels.

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—91

Nay: Rep. Brooks.

—1

And the bill:

H. 237. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—89

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 279, was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—92

And the bill:

H. 279. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution relating to H. B. 291, was adopted.

Yeas 58; Nays 24.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Burke, Butler, Campbell, Carter, Clark (W), Cosby, Curry, Dillard, Drake, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (G), Willis, Wright and Zoghby.

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Nays:

Reps. Black, Blake, Bowling, Brooks, Buskey (JE), Buskey (JL), Carothers, Davis, Flowers, Freeman, Grayson, Hall, Haynes, Higginbotham, Johnson (RG), Laird, Lindsey, Mathis, McDowell, Newman, Parker, Rogers, Starkey and Williams.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 31. RECOGNIZING WITH COMMENDATION, THE ESTABLISHMENT OF THE SOUTHEAST ALABAMA AGRICULTURAL EXPERIMENT STATION AND SCHOOL.

Also:

H. J. R. 41. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE STAMP IN HONOR OF THE LATE JOHN L. LEWIS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. COMMENDING ELDON SHARPE FOR DISTINGUISHED SERVICE TO TALLAPOOSA COUNTY AND TO THE STATE OF ALABAMA.

Also:

H. J. R. 13. COMMENDING HILDA K. PRITCHARD FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 14. COMMENDING BARBARA BAXLEY FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 15. COMMENDING R. W. CLAYBROOK FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 16. COMMENDING ELGIN HARRIS FOR DISTINGUISHED SERVICE TO THE TOWN OF JACKSON'S GAP AND TO THE COMMUNITY.

Also:

H. J. R. 17. COMMENDING RAYFIELD WISE OF CAMP HILL, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND LEADERSHIP.

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Also:

H. J. R. 18. COMMENDING FRANK GEORGE HOLLEY FOR DISTINGUISHED SERVICE AS MAYOR OF CAMP HILL, ALABAMA.

Also:

H. J. R. 19. COMMENDING JESSIE W. SIMS FOR OUTSTANDING SERVICE AND LEADERSHIP.

Also:

H. J. R. 20. CONGRATULATING THE NEW SITE HIGH SCHOOL WARRIORS ON THEIR ACCOMPLISHMENTS OF THE 1988 FOOTBALL SEASON.

Also:

H. J. R. 21. COMMENDING RUTH BELYEU JOHNSON FOR OUTSTANDING SERVICE AS CIRCUIT CLERK, 5TH JUDICIAL CIRCUIT.

Also:

H. J. R. 30. COMMENDING COACH MAURICE CARKUFF ON HIS OUTSTANDING CAREER.

Also:

H. J. R. 32. RECOGNIZING THE WISTERIA CLUB OF GADSDEN AND THE CONTRIBUTIONS OF ITS MEMBERSHIP TO THE ENRICHMENT OF YOUNG LIVES.

Also:

H. J. R. 33. COMMENDING DAWN MACKEY.

Also:

H. J. R. 34. CONGRATULATING COACH JERRY SMITH AND THE SARDIS HIGH SCHOOL LIONS ON THEIR OUTSTANDING FOOTBALL SEASON.

Also:

H. J. R. 35. COMMENDING LAURA ELIZABETH DAVIS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 36. COMMENDING HAROLD PARKER JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY LEADERSHIP.

Also:

H. J. R. 6. CONGRATULATING THE 1988 CLASS 2A STATE VOLLEYBALL CHAMPIONS OF WEST END HIGH SCHOOL, WALNUT GROVE, ALABAMA.

Also:

H. J. R. 7. CONGRATULATING CAROLYN T. RODGERS OF PELL CITY, ALABAMA, PRESIDENT OF ALABAMA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

Also:

H. J. R. 8. RECOGNIZING OPAL ROBISON OF ST. CLAIR COUNTY FOR DISTINGUISHED SERVICE TO THE COMMUNITY.

Also:

H. J. R. 9. COMMENDING JENNIFER REBECCA BOSWELL, "MISS ST. CLAIR COUNTY".

Also:

H. J. R. 10. DESIGNATING DECATUR AS THE BALLOONING CAPITAL OF ALABAMA.

Also:

H. J. R. 22. COMMENDING WOOD GASTON, JR., FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

Also:

H. J. R. 23. COMMENDING HORACE PATTERSON FOR DISTINGUISHED SERVICE TO ALEXANDER CITY, ALABAMA, AND TO THE COMMUNITY.

Also:

H. J. R. 24. COMMENDING JAMES RAY YARBROUGH FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

Also:

H. J. R. 25. COMMENDING HUGH OWEN FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

Also:

H. J. R. 26. COMMENDING HIRAM TAYLOR FOR DISTINGUISHED SERVICE TO THE CITY OF DADEVILLE AND THE COMMUNITY.

Also:

H. J. R. 27. CONGRATULATING THE BENJAMIN RUSSELL HIGH SCHOOL WILDCATS ON THEIR OUTSTANDING 1988 FOOTBALL SEASON.

Also:

H. J. R. 28. COMMEMORATING THE BATTLE OF HORSESHOE BEND.

Also:

H. J. R. 29. CONGRATULATING THE REELTOWN HIGH SCHOOL 1988 FOOTBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 37. NOTING WITH COMMENDATION THE NATIONAL HONORS ACCORDED MARSHALL TECHNICAL SCHOOL'S AUTOMOTIVE TECHNOLOGY PROGRAM.

Also:

H. J. R. 42. COMMENDING BRANDI SIMMONS OF OXFORD, ALABAMA, AS 1988 WINNER OF THE BAPTIST BIBLE DRILL STATE COMPETITION.

Also:

H. J. R. 43. COMMENDING THE ALABAMA ASSOCIATION OF SCHOOL BOARDS.

Also:

H. J. R. 52. COMMENDING JOEL B. BULLARD, JR., OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

Also:

H. J. R. 53. COMMENDING RICHARD CHAPMAN OF MADISON COUNTY, ALABAMA, AS OUTSTANDING SUPERINTENDENT OF THE YEAR.

Also:

H. J. R. 54. MOURNING THE DEATH OF FRANCIS CLYDE SORTER OF GUNTERSVILLE, ALABAMA.

Also:

H. J. R. 55. CONGRATULATING THE VIGOR HIGH SCHOOL WOLVES ON THE 1988 STATE 6A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 57. DESIGNATING MARCH 12-18, 1989, AS "AIRCRAFT MAINTENANCE SAFETY WEEK" IN ALABAMA.

Also:

H. J. R. 59. URGING PRESIDENT BUSH AND THE CONGRESS TO EXTEND THE SMALL ISSUE BOND PROGRAM FOR MANUFACTURING FACILITIES.

Also:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 224. To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER,
Chairman.

And the bill, H. 224 as engrossed, was ordered sent to the Senate.

H. 291 RESUMED

And the bill:

H. 291. To make a supplemental appropriation of five million dollars (\$5,000,000) from the Public Road and Bridge Fund to the Department of Public Safety for the fiscal year ending September 30, 1990; to reduce the appropriation from the State General Fund to the Department of Public Safety by three million dollars (\$3,000,000) for the fiscal year ending September 30, 1990; and to provide for the transfer of five million dollars (\$5,000,000) to the Department of Public Safety from funds which are appropriated to the State Highway Department from the Public Road and Bridge Fund for the fiscal year ending September 30, 1990.

Was taken up.

MOTION TO CARRY OVER TABLED

On motion of Rep. Cosby, the motion offered by Rep. Rogers to carry over the bill, H. 291, till the 30th legislative day, was tabled.

Yeas 58; Nays 22.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Box, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Cosby, Crow, Curry, Dillard, Drake, Escott, Frazier, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, McMillan, Melton, Moon, Newman, Newton, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), Willis, Wright and Zoghby.

Nays:

Reps. Black, Blake, Bowling, Britnell, Buskey (JE), Buskey (JL), Carothers, Carter, Coburn, Davis, Ford, Harvey, Haynes, Higginbotham, Johnson (RG), Laird, Lindsey, Mathis, McDowell, Parker, Rogers and Williams.

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AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 291:

To amend House Bill 291 in the synopsis and title on page 1 lines 14 and 28 respectively by striking the word “three” and inserting in lieu thereof the word “five”.

Further amend the bill in the synopsis and title on page 1 lines 15 and 29 respectively by deleting the figure “3,000,000” and inserting in lieu thereof the figure “5,000,000”.

Further amend the bill on page 2 by deleting lines 15 and 16 in their entirety and inserting in lieu thereof the following:

“September 30, 1990 shall be reduced by the sum of five million dollars (\$5,000,000).”

Further amend the bill on page 2 after the period on line 16 by adding the following language:

“In addition, the appropriation to the Department of Corrections from the State General Fund is hereby increased by \$4,900,000 and the appropriation to the Department of Environmental Management from the State General Fund is hereby increased by \$100,000 which shall be earmarked for the Hazardous Substance Clean-up Fund.”

MOTION TO TABLE LOST

The motion offered by Rep. Turner to table the amendment offered by Rep. Harper to the bill, H. 291, was lost.

Yeas 41; Nays 44.

Yeas:

Reps. Beers, Biddle, Blakeney, Breedlove, Brooks, Butler, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Headley, Hooper, Knight, Kvalheim, Laird, McKee, McMillan, Melton, Mikell, Moon, Newton, Payne, Petelos, Rains, Sanderford, Seibels, Spratt, Thomas, Turner, Venable, White (G) and Wright.

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Nays:

Mr. Speaker, Beasley, Black, Blake, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Davis, Ford, Harper, Harvey, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Lindsay, Logan, Marietta, Marks, Mathis, McClain, McDowell,

Newman, Parker, Penry, Richardson, Rogers, Slaughter, Warren, White (L), Williams, Willis and Zoghby.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Harper to the bill, H. 291, and the amendment was adopted.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Bowling, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Escott, Grayson, Grouby, Hamilton, Harper, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Mikell, Newman, Newton, Parker, Penry, Petelos, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (L), Williams, Willis and Zoghby.

—61

Nays:

Reps. Biddle, Brooks, Curry, Drake, Ford, Freeman, Gaston, Gray, Hall, Hammett, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Moon, Payne, Rains, Seibels, Turner, White (G) and Wright.

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And the bill:

H. 291. To make a supplemental appropriation of five million dollars (\$5,000,000) from the Public Road and Bridge Fund to the Department of Public Safety for the fiscal year ending September 30, 1990; to reduce the appropriation from the State General Fund to the Department of Public Safety by five million dollars (\$5,000,000) for the fiscal year ending September 30, 1990; and to provide for the transfer of five million dollars (\$5,000,000) to the Department of Public Safety from funds which are appropriated to the State Highway Department from the Public Road and Bridge Fund for the fiscal year ending September 30, 1990.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 21.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Burke, Butler, Campbell, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Ford, Frazier, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Laird, Layson, Logan, Marietta, Marks, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—64

Nays:

Reps. Beasley, Black, Brooks, Carothers, Carter, Crow, Freeman, Fuller, Hall, Harvey, Haynes, Higginbotham, Johnson (RG), Kvalheim, Lindsey, Mathis, McKee, McMillan, Payne, Williams and Wright.

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BUDGET ISOLATION RESOLUTION LOST

The motion offered by Rep. Cosby to adopt the Budget Isolation Resolution relating to the bill, H. 290, was lost.

Yeas 37; Nays 54.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Brooks, Butler, Cosby, Curry, Dillard, Drake, Gaston, Gray, Grouby, Hammett, Headley, Hill, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, McKee, McMillan, Mikell, Newton, Petelos, Poole, Rains, Sanderford, Seibels, Spratt, Turner, Venable, White (G) and Wright.

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Nays:

Reps. Beasley, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Flowers, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RW), Layson, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Perdue, Rogers, Slaughter, Starkey, Thomas, Turnham, Warren, White (L), Williams, Willis and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:37 P.M. on February 14, 1989.

H. J. R. 2

H. J. R. 3

Delivered to the Governor at 4:00 P.M. on February 14, 1989.

H. J. R. 12

H. J. R. 22

H. J. R. 13

H. J. R. 23

H. J. R. 14

H. J. R. 24

H. J. R. 15

H. J. R. 25

H. J. R. 16

H. J. R. 26

H. J. R. 17

H. J. R. 27

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H. J. R. 18	H. J. R. 28
H. J. R. 19	H. J. R. 29
H. J. R. 20	H. J. R. 37
H. J. R. 21	H. J. R. 42
H. J. R. 30	H. J. R. 43
H. J. R. 32	H. J. R. 52
H. J. R. 33	H. J. R. 53
H. J. R. 34	H. J. R. 54
H. J. R. 35	H. J. R. 55
H. J. R. 36	H. J. R. 57
H. J. R. 6	H. J. R. 59
H. J. R. 7	H. J. R. 60
H. J. R. 8	H. J. R. 31
H. J. R. 9	H. J. R. 41
H. J. R. 10	

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell, the House adjourned until 10:00 o'clock a.m., Wednesday, February 15, 1989.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 15, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Ralph Mims, Harvest Baptist Church, Millbrook, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tim Pemberton, Wetumpka, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 73. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately after the report of the Committee on Rules and the adoption of this Special Order Calendar, the following business, in the order set forth below, be made the special, paramount and continuing order of business for the 4th legislative day, Wednesday, February 15, 1989, taking precedence over all other regular order business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

Inst Id	Page
H. 281—By Harper (As Amended and Substituted)	2
Education budget, provided	
H. 164—By Hooper (As Amended)	2
Youth Legislature, approp.	

<u>H. 207</u> —By Harper (As Amended)	3
Shakespeare Festival, approp.	
<u>H. 209</u> —By Harper (As Amended)	3
Education Department, handicapped services, approp.	
<u>H. 188</u> —By Harper (As Amended)	4
Special Schools, approp.	
<u>H. 203</u> —By Harper	4
Youth Services Dept., approp.	
<u>H. 193</u> —By Harper	5
Central Ala Opportunity Industrial Center, approp.	
<u>H. 215</u> —By Harper	5
East Alabama Child Development Center, approp.	
<u>H. 211</u> —By Harper	6
Kate Duncan Smith D.A.R. School, approp.	
<u>H. 212</u> —By Harper (As Amended)	6
Children's and Women's Hospital of Mobile, approp.	
<u>H. 214</u> —By Harper	7
Emergency Medical Services, approp.	
<u>H. 216</u> —By Harper	7
Humanities Foundation, approp.	
<u>H. 218</u> —By Harper	8
Camp ASCCA, approp.	
<u>H. 208</u> —By Harper	8
Space Science Exhibit Commission, approp.	
<u>H. 213</u> —By Harper (As Substituted)	9
Children's Hospital of Birmingham, approp.	
<u>H. 205</u> —By Harper	9
Health Department, approp.	
<u>H. 182</u> —By Harper (As Amended)	10
League For Advancement of Education, approp.	
<u>H. 234</u> —By Harper	10
Physical Fitness Commission, approp.	
<u>H. 202</u> —By Harper	11
Lyman Ward Military Academy, approp.	

<u>H. 204</u> —By Harper	11
Talladega College, approp.	
<u>H. 201</u> —By Harper	12
Marion Military Institute, approp.	
<u>H. 220</u> —By Harper	12
Walker county Junior College, approp.	
<u>H. 206</u> —By Harper	13
Coosa Valley Medical Center School of Nursing, approp.	
<u>H. 191</u> —By Harper	13
Tuskegee University, approp.	
On motion of Rep. Carter, the resolution, H. R. 73, was adopted.	

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 281. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 281, and to the pending substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1990, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions,

or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1990, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts herein-after specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		
ASETF	Trust Funds	Appropriation Total
SECTION 3.		
A. STATE AGENCIES:		
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:		
(a) Support of Other Educational Ac- tivities Program		112,500
SOURCE OF FUNDS:		
(1) ASETF	112,500	
Total American Legion and Auxiliary Scholarships	112,500	112,500
To be expended under the provisions of <u>Code of Alabama 1975</u> , as amended, Sections 16-31-1 through 16-31-4.		
2. ARTS, STATE COUNCIL ON THE:		
(a) Fine Arts Program		2,146,033
SOURCE OF FUNDS:		
(1) ASETF	1,499,133	
(2) Federal and Local Funds		646,900

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Total State Council on the Arts	1,499,133	646,900	2,146,033
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3. DEBT SERVICE:

(a) Debt Service Program			649,708
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For interest on endowments as follows:

For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964		
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For interest on Auburn University Endowment	20,280		
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For interest on University of Alabama Endowment	61,000		
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For interest on Grove Hill Endowment	600		
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For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated	410,000		
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Interest on School Indemnity Lands, Estimated	90,000		
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Interest on Valueless 16th Section Lands	5,825		
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Interest on Surplus Revenue	26,764		
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Interest on James Wallace Fund	275		
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Total Interest on Public School Fund Endowment	532,864		
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SOURCE OF FUNDS:

(1) ASETF	649,708		
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Total Debt Service	649,708		649,708
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4. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000		
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Total Board of Dental Scholarship Awards	176,000		176,000
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To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-47-76 through 16-47-81.

5. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program			15,381,323
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Compact for Education	44,000		
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Operations and Maintenance of
Department 5,247,615

Leadership and
Management 300,000

SOURCE OF FUNDS:

(1) ASETF	5,591,615		
(2) Federal and Local Funds		9,789,708	

Total Administrative Services Program	5,591,615	9,789,708	15,381,323
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(b) Adult Basic Education/Communi- ty Education Program			6,300,499
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The ASETF monies included in the
above program are to be distributed
by the Department of Education as
follows:

Adult Basic Education 2,639,798

Of the above appropriation of
\$2,639,798, the sum of \$40,000 shall
be used to fund FICA for two-year
postsecondary institutions that op-
erate ABE programs.

Community Education 715,544

SOURCE OF FUNDS:

(1) ASETF	3,355,342		
(2) Federal and Local Funds		2,945,157	

Total Adult Basic Education/Com- munity Education Program	3,355,342	2,945,157	6,300,499
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(c) Alabama Young Farmers Educa- tion Program			50,000
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SOURCE OF FUNDS:

(1) ASETF	50,000		
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Total Alabama Young Farmers Edu- cation Program	50,000		50,000
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(d) Financial Assistance Program			269,336,046
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The proposed spending plan for the
ASETf monies included in the above
program is as follows:

Elementary Teachers

Scholarships 23,760

To be paid in accordance with Code of
Alabama 1975, as amended, Section
16-23-17.

Teacher In-Service

Centers 2,034,009

The State Board of Education shall ad-
minister the In-Service Educational

Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$171,009 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
- (2) Alabama State University
- (3) Athens State College
- (4) Auburn University
- (5) Jacksonville State University
- (6) Troy State University
- (7) University of Alabama
- (8) University of Alabama at Birmingham
- (9) University of Montevallo
- (10) University of North Alabama
- (11) University of South Alabama

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1988-89, and the number of teachers employed as reported on the 1988-89 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

SOURCE OF FUNDS:

(1) ASETF	2,057,769
(2) Federal and Local Funds	267,278,277

Total Financial Assistance Program ...	2,057,769	267,278,277	269,336,046
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(e) Instructional Technical Assistance Program			12,276,494
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program	949,215
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Early Childhood Education Administration	97,998
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Instructional Technical Assistance	1,283,181
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Special Education Administration	400,902
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Vocational Education Administration	920,180
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National Geographic Grant-Matching Funds	50,000
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SOURCE OF FUNDS:

(1) ASETF	3,701,476		
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(2) Federal and Local Funds		8,575,018	
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Total Instructional Technical Assistance Program	3,701,476	8,575,018	12,276,494
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(f) Local Agency Support Program			18,621,140
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Advanced Placement	468,891
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Driver Education, School Bus Driver Training and Vehicle Safety Inspection	249,450
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Free Textbooks	13,365,118
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Guidance and Counseling	150,000
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Operations and Maintenance	177,944
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School Attendance	76,204
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School Facilities and Architectural Services	196,934
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Testing	1,409,464
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Emergency Food Assistance Program	65,337
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SOURCE OF FUNDS:

(1) ASETF	16,159,342
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(2) Federal and Local Funds	2,461,798		
Total Local Agency Support Program	16,159,342	2,461,798	18,621,140

(g) Regulation Program			1,654,022
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Teacher Certification and Accreditation	385,851
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Undergraduate/Graduate Program Approval	251,232
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SOURCE OF FUNDS:

(1) ASETF	637,083		
(2) Federal and Local Funds		1,016,939	
Total Regulation Program	637,083	1,016,939	1,654,022

(h) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents	8,839
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SOURCE OF FUNDS:

(1) ASETF	8,839		
Total Support of Other Educational Activities Program	8,839		8,839

For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(i) Support of State Universities Program			50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds	50,000		
Total Support of State Universities Program		50,000	50,000

TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	31,561,466		
(2) Federal and Local Funds		292,116,897	

GRAND TOTAL DEPARTMENT OF EDUCATION	31,561,466	292,116,897	323,678,363
6. EDUCATION, STATE BOARD OF-MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Financial Assistance Program			725,428,340
SOURCE OF FUNDS:			
(1) ASETF	675,751,855		
(2) Public School Fund		45,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program, Public School Fund and Local Funds	675,751,855	49,676,485	725,428,340

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of the Public School Funds appropriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1990, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1990.

The appropriation hereinabove set out for the fiscal year 1989-90 is based on 22,474.26 teacher units. It is provided in the event that there are more than 22,474.26 earned teacher units for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$45,000,000 available from the Public School Fund for the fiscal year 1989-90, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$502,175,268. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	2,876.71	\$ 70,545,559
I	22,961	13,417.14	308,070,952
II	19,992	6,180.41	123,558,757
III	16,832	0.00	0
IV	14,618	0.00	0
		22,474.26	\$502,175,268

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,247,426.

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$162,566,885. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,314,744.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD OF-LOCAL BOARDS:

(a) Financial Assistance Program 538,833,444

SOURCE OF FUNDS:

(1) ASETF 538,833,444

Total State Board of Education-Local Boards	538,833,444	538,833,444
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To be distributed by the State Board of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school

system for teachers' sick leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

- (2) Support Personnel Sick
Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

- (3) Teachers' Personal
Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal
Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional
Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and

2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase

such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school

system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,737,269

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose

of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired.

(10) Kindergarten Teacher

Units 88,247,463

The above appropriation is for 3,037.04 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$21,968,338. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

(11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades

1-6 18,814,245

The above appropriation is for 635.63 teacher units and includes salaries,

other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$14,179,250. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	94.07	\$ 2,306,879
I	22,961	352.14	8,085,487
II	19,992	<u>189.42</u>	<u>3,786,884</u>
		635.63	\$14,179,250

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$4,597,811. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$37,184.

(12) Teacher Units to reduce pupil-teacher ratio in Grade 1 .. 2,848,659

The above appropriation is for 96.25 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$2,146,807. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	14.06	\$ 344,793
I	22,961	53.51	1,228,643
II	19,992	<u>28.68</u>	<u>573,371</u>
		96.25	\$2,146,807

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$696,221. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$5,631.

(13) Supportive Teacher
Units 52,608,923

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10)

and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,754.50 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$39,815,162. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	389.50	\$ 9,551,709
I	22,961	1,001.81	23,002,559
II	19,992	<u>363.19</u>	<u>7,260,894</u>
		1,754.50	\$39,815,162

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$12,691,123. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$102,638.

(14) Special Education Teacher

Units 105,432,037

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$25,317,145. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher
Units 8,594,710

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	<u>71.92</u>	<u>1,437,824</u>
		290.00	\$6,480,039

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$2,097,706. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act 87-665 ... 5,069,744

The above appropriation is for 170.49 teacher units and includes salaries, principal supplement, other current expense and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$3,809,487. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	21.82	\$ 535,092
I	22,961	101.78	2,336,970
II	19,992	<u>46.89</u>	<u>937,425</u>
		170.49	\$3,809,487

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$17,049.

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$1,233,234. It is the intent of the Legislature that all lunchroom workers' salaries be

fully funded by local school boards from these and any other local and or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$9,974.

(17) Vocational

Education 85,850,571

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$356,500 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement

(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

8. PROJECT DARE:

(a) Drug Education Program

200,000

To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Project DARE	200,000	200,000

9. EDUCATION, STATE BOARD
OF-POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Pro- grams at Clio and Clayton	300,000		300,000
(d) FICA-State Share	300,000		300,000

SOURCE OF FUNDS:

(1) ASETF	7,022,856		
(2) Federal and Local Funds		1,953,165	
Total State Board of Education-Post- secondary Prison Education	7,022,856	1,953,165	8,976,021

(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson Davis State Junior College; (5) Gadsden State Community College; (6) J.F. Ingram State Technical College; (7) Theodore A. Lawson State Community College; (8) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$9,626 is to be distributed to the colleges listed in (1) above on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. GADSDEN STATE COMMU-
NITY COLLEGE:

(a) Technical Assistance Program	300,000
(For merger expense.)	

SOURCE OF FUNDS:

(1) ASETF	300,000	
Total Gadsden State Community College	300,000	300,000

It is the intent of the Legislature that no line-item appropriation from the ASETF shall be made to Gadsden State Community College for merger expense after the above appropriation is allocated for the fiscal year ending September 30, 1990.

**11. EDUCATION, STATE BOARD
OF JUNIOR COLLEGE SYS-
TEM:**

(a) Operations and Maintenance	64,368,560	21,074,350	85,442,910
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	221,245		221,245
(d) Auxiliary Enterprises		6,757,417	6,757,417
(e) Restricted Funds		22,170,850	22,170,850
(f) FICA-State Share	5,433,262		5,433,262

SOURCE OF FUNDS:

(1) ASETF	70,213,143		
(2) Other Funds		50,002,617	
Total State Board of Education-Junior College System	70,213,143	50,002,617	120,215,760

(1) The Operations and Maintenance appropriation above of \$64,368,560 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$200,000 to each junior college.

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1987-88 and the fall, winter and spring quarters of the school year 1988-89 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1987-88 and the fall, winter, and spring quarters of the school year 1988-89 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Junior College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed

to the junior colleges listed above in 1(b) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

12. EDUCATION, STATE BOARD
OF TECHNICAL COLLEGE SYS-
TEM:

(a) Operations and Maintenance	47,184,637	15,369,397	62,554,034
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	114,509		114,509
(d) Auxiliary Enterprises		4,874,572	4,874,572
(e) Restricted Funds		13,811,319	13,811,319
(f) FICA-State Share	3,914,606		3,914,606

SOURCE OF FUNDS:

(1) ASETF	51,403,828		
(2) Other Funds		34,055,288	
Total State Board of Education-Technical College System	51,403,828	34,055,288	85,459,116

(1) The Operations and Maintenance appropriation above of \$47,184,637 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows. Such distribution shall be made on the same formula basis as was used in fiscal year 1988-89 for the distribution of the operations and maintenance appropriation.

(a) The appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) John C. Calhoun State Community College; (6) Carver State Technical College; (7) J.F. Drake State Technical College; (8) Gadsden State Community College; (9) Richmond P. Hobson State Technical College; (10) Theodore A. Lawson State Community College; (11) Douglas McArthur State Technical College; (12) Northwest Alabama Community College; (13) N.F. Nunnolley State Technical College; (14) Opelika State Technical College; (15) John M. Patterson State Technical College; (16) Ed E. Reid State Technical College; (17) Shelton State Technical College; (18) Shoals Community College; (19) Southwest State Technical College; (20) Chauncey Sparks State Technical College; (21) Council Trenholm State Technical College; (22) C.A. Fredd State Technical College; (23) Walker State Technical College; (24) George C. Wallace State Community College (Selma); (25) George C. Wallace State Community College (Dothan); (26) George C. Wallace State Community College (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

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(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

13. EDUCATION STUDY COMMISSION:

(a) Advisory Services Program	250,000
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This appropriation is to be expended pursuant to Code of Alabama 1975, as amended, Sections 16-6-1 through 16-6-6.

SOURCE OF FUNDS:

(1) ASETF	250,000	
Total Education Study Commission ...	250,000	250,000

14. FINANCE, DEPARTMENT OF DATA SYSTEMS MANAGEMENT DIVISION-SUPERCOMPUTER:

(a) Administrative Support Services Program	8,500,000
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This appropriation is to be expended for operation and maintenance of the supercomputer.

SOURCE OF FUNDS:

(1) ASETF	7,000,000	
(2) Supercomputer Revolving Fund, Estimated		1,500,000
Total Department of Finance-Data Systems Management Division-Supercomputer	7,000,000	1,500,000 8,500,000

15. FINANCE, DEPARTMENT OF DATA SYSTEMS MANAGEMENT DIVISION, TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program	7,500,000
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SOURCE OF FUNDS:

(1) ASETF	7,500,000	
Total Department of Finance-Data Systems Management Division, Telephone Revolving Fund	7,500,000	7,500,000

16. FINE ARTS, ALABAMA SCHOOL OF:

(a) Fine Arts Program	1,195,597
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SOURCE OF FUNDS:

(1) ASETF	1,003,110
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(2) Federal and Local Funds		192,487	
Total Alabama School of Fine Arts	1,003,110	192,487	1,195,597

17. FINANCE, DEPARTMENT OF- DATA SYSTEMS MANAGE- MENT:

(a) Administrative Support Services Program			331,000
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000		
Total Department of Finance-Data Systems Management	331,000		331,000

18. FIREFIGHTERS PERSONNEL STANDARDS AND EDUCA- TION COMMISSION, ALA- BAMA/ALABAMA FIRE COLLEGE-SHELTON STATE COMMUNITY COLLEGE:

(a) Operations and Maintenance	731,457	180,172	911,629
(b) Auxiliary Enterprises		496,700	496,700
(c) Restricted Funds		225,000	225,000

SOURCE OF FUNDS:

(1) ASETF	731,457		
(2) Other Funds		901,872	
Total Alabama Firefighters Personnel Standards and Education Commis- sion/Alabama State Fire College- Shelton State Community College ..	731,457	901,872	1,633,329

19. HEALTH INSURANCE BOARD, PUBLIC EDUCATION EMPLOYEES:

(a) Administrative Support Services Program			144,323,360
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The above appropriation of \$144,323,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the

provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$144,323,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989-90 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	144,323,360	
Total Public Education Employees' Health Insurance Board	144,323,360	144,323,360

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	2,384,449
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,309,635
Program Evaluation	200,037
Research Enhancement Program	275,000

SOURCE OF FUNDS:

(1) ASETF	1,784,672
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(2) Federal and Local Funds	599,777		
Total Planning and Coordination Services Program (Total Operations)	1,784,672	599,777	2,384,449
(b) Student Financial Aid Program ...			31,431,071
The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:			
(1) Educational Grants Program	3,487,742		
(2) Alabama National Guard Educa- tional Assistance	200,826		
To be expended in accordance with Code of Alabama 1975, as amended, Sections 31-10-1 through 31-10-4.			
(3) Emergency Secondary Education Scholarships	1,077,007		
To be expended in accordance with Code of Alabama 1975, as amended, Sections 16-23-18 through 16-23-23.			
(4) Chiropractic Scholarships	48,676		
To be expended under the provisions of Code of Alabama 1975, as amended, Section 16-5-11.			
(5) Alabama Student Assistance Program	2,009,117		
SOURCE OF FUNDS:			
(1) ASETF	6,823,368		
(2) Federal and Local Funds		24,607,703	
Total Student Financial Aid Program	6,823,368	24,607,703	31,431,071
(c) Support of Other Educational Ac- tivities Program			5,072,342
The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:			
(1) Network of Alabama Academic Li- braries (NAAL)	1,085,513		
(2) Southern Regional Education Board (SREB)	399,417		
(3) EPSCoR-National Science Foun- dation Program	1,000,000		
(4) Eminent Scholars Program	2,000,000		
(5) Alabama Small Business Develop- ment Consortium	552,412		

SOURCE OF FUNDS:

(1) ASETF	5,037,342		
(2) Federal and Local Funds		35,000	
Total Support of Other Educational Activities Program	5,037,342	35,000	5,072,342

TOTAL ALABAMA COMMISSION
ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	13,645,382		
(2) Federal and Local Funds		25,242,480	
Grand Total Alabama Commission on Higher Education	13,645,382	25,242,480	38,887,862

21. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE,
ALABAMA:

(a) Industrial Training Program	1,787,166		1,787,166
(b) Industrial Development Program	3,100,000		3,100,000
(c) Alabama Center for Quality and Productivity	490,000		490,000

SOURCE OF FUNDS:

(1) ASETF	5,377,166		
Total Alabama Industrial Development Training Institute	5,377,166		5,377,166

In addition to the above appropriation, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund \$2,000,000 to the Alabama Industrial Development Training Institute, to be conditioned upon the availability of funds in the ASETF, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

22. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program ...			6,946,506
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SOURCE OF FUNDS:

(1) ASETF	6,278,252		
(2) Federal and Local Funds		668,254	

Total Alabama Public Library Service	6,278,252	668,254	6,946,506
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23. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:			
(a) Support of Other Educational Activities Program			1,577,423
SOURCE OF FUNDS:			
(1) ASETF	1,055,553		
(2) Federal and Local Funds		521,870	
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Total Marine Environmental Sciences Consortium	1,055,553	521,870	1,577,423
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24. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			677,000
SOURCE OF FUNDS:			
(1) ASETF	677,000		
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Total Board of Medical Scholarships Awards	677,000		677,000
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To be expended under the provisions of <u>Code of Alabama 1975</u> , as amended, Sections 16-47-121 through 16-47-129.			
25. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			5,289,047
Of the above appropriation \$2,937,996 shall be expended at the Eufaula Adolescent Center.			
(b) Institutional Treatment and Care-Mental Retardation Program			2,794,607
SOURCE OF FUNDS:			
(1) ASETF	8,083,654		
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Total Department of Mental Health and Mental Retardation	8,083,654		8,083,654
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26. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			57,000
SOURCE OF FUNDS:			
(1) ASETF-Transfer-as provided in <u>Code of Alabama 1975</u> , as amended, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships	57,000		
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Total Alabama Board of Nursing	57,000		57,000
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27. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000		
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Total Board of Optometric Scholarship Awards	125,000		125,000
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To be expended under the provisions of the Code of Alabama 1975, as amended, Sections 34-22-60 through 34-22-65.

28. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program			233,094
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(b) Certified Law Enforcement Academy Program			785,925
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Of the above appropriation for the Certified Law Enforcement Academy Program, the \$435,925 of ASETF monies included therein shall be expended as follows:

Mobile Police Training Academy	25,000		
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Jacksonville State University	118,264		
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University of Alabama	118,264		
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James H. Faulkner Jr. College	118,264		
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Troy State University at Montgomery	56,133		
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Total	435,925		
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SOURCE OF FUNDS:

(1) ASETF	669,019		
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(2) Alabama Peace Officers' Standards and Training Fund-as provided in <u>Code of Alabama 1975</u> , as amended, Sections 36-21-40 through 36-21-50			350,000
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Total Alabama Peace Officers' Standards and Training Commission	669,019	350,000	1,019,019
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29. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program			3,693,398
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office Operations	1,456,283
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Program Planning and Enhancement	895,816
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Displaced Homemakers' Program	150,000
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Institutional Building and Equipment Rental	132,000
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SOURCE OF FUNDS:

(1) ASETF	2,634,099
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(2) Federal and Local Funds	1,059,299
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Total Postsecondary Education Department	2,634,099	1,059,299	3,693,398
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30. PRORATION PREVENTION ACCOUNT:

(a) Proration Prevention Account	8,000,000
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SOURCE OF FUNDS:

(1) ASETF	8,000,000
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Total Proration Prevention Account ..	8,000,000	8,000,000
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To be appropriated in accordance with Act 88-981.

31. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	441,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System, Estimated	282,000
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(2) ASETF-Employees' Special Pension, Acts 85-631 and 88-600, Estimated	159,000
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Total Employees' Retirement System of Alabama (ASETF Share)	441,000	441,000
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**32. RETIREMENT SYSTEM OF
ALABAMA, TEACHERS'
(ASETF SHARE):**

(a) Retirement Systems Program, Estimated		223,494,000
(b) Term Life Insurance		3,000,000

Persons eligible for this insurance benefit shall be the following:

- (1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the full benefit; and,
- (2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	180,237,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	43,257,000	
(3) ASETF-Term Life Insurance	3,000,000	

Total Teachers' Retirement System of Alabama (ASETF Share)	226,494,000	226,494,000
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33. SOCIAL SECURITY (ASETF SHARE):

(a) For State's share of Social Security, Estimated		100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000	
Total Social Security (ASETF Share)	100,000	100,000

The above appropriation is to be used for prior period adjustments.

**34. TENURE COMMISSION,
STATE:**

(a) Regulation Program		10,743
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SOURCE OF FUNDS:

(1) ASETF	10,743	
Total State Tenure Commission	10,743	10,743

**35. TELEVISION COMMISSION,
EDUCATIONAL:**

(a) Educational Television Program ..		5,573,571
(b) Public Radio Service Program		374,000

SOURCE OF FUNDS:

(1) ASETF	4,002,571		
(2) Federal and Local Funds		1,945,000	
Total Educational Television Commission	4,002,571	1,945,000	5,947,571

Of the above appropriation to the Educational Television Commission, \$400,000 shall be used to ti-in the United Star Network.

36. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:

(a) Financial Assistance Program	2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	2,000,000		
Total Unemployment Compensation-Local Boards	2,000,000		2,000,000

37. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program	4,008,808
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,008,808		
Total Department of Veterans' Affairs	4,008,808		4,008,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

38. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program	4,490,455
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The above appropriation for Financial Assistance Program includes \$2,875,753 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula

cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,875,753		
(2) Federal and Local Funds		1,614,702	
Total Department of Youth Services ..	2,875,753	1,614,702	4,490,455

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and Program Support for the University of Alabama

73,095,359 39,953,031 113,048,390

The above amounts shall be distributed to the following enumerated programs by the President of the University of Alabama. All of the following enumerated programs, other than operations and maintenance, that were funded for the fiscal year ending September 30, 1989 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1989. In addition to operations and maintenance, the above funding shall include support for such entities as: Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Environment Program; High Risk Nursery;

Safe State Program; Tannehill Learning Center.

2. Operations and Maintenance and Program Support for the University of Alabama at Birmingham	110,289,442	298,996,045	409,285,487
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama at Birmingham. All of the following enumerated programs, other than University College, Schools of First Professional Health and the University Hospitals, that were funded in the fiscal year ending September 30, 1989 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1989. In addition to operations and maintenance, the above funding shall include support for such entities as: University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma, and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology

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Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville	23,599,831	16,162,638	39,762,469
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville. All of the following enumerated programs, other than operations and maintenance, that were funded for the fiscal year ending September 30, 1989 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1989. In addition to operations and maintenance, the above funding includes support for such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Special Mental Health, University of Alabama at Birmingham	3,504,049		3,504,049
5. Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	707,548		707,548
6. Social Security (FICA)-State Share	22,317,224		22,317,224
7. Auxiliary Enterprises		52,518,727	52,518,727
8. Restricted Funds		131,457,826	131,457,826

SOURCE OF FUNDS:

(1) ASETF	233,513,453		
(2) Other Funds		539,088,267	

Total University of Alabama System	233,513,453	539,088,267	772,601,720
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II. BOARD OF TRUSTEES OF ALABAMA A&M UNIVERSITY

A. Alabama A&M University

1. Operations and Maintenance and Program Support	16,942,374	6,251,892	23,194,266
2. Social Security (FICA)-State Share	1,171,898		1,171,898
3. Auxiliary Enterprises		4,075,000	4,075,000
4. Restricted Funds		8,393,315	8,393,315

SOURCE OF FUNDS:

(1) ASETF	18,114,272		
(2) Other Funds		18,720,207	

Total Alabama A&M University	18,114,272	18,720,207	36,834,479
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III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVER- SITY

A. Alabama State University

1. Operations and Maintenance and Program Support	16,868,873	7,040,966	23,909,839
2. Social Security (FICA)-State Share	986,616		986,616
3. Auxiliary Enterprises		5,389,960	5,389,960
4. Restricted Funds		3,688,237	3,688,237

SOURCE OF FUNDS:

(1) ASETF	17,855,489		
(2) Other Funds		16,119,163	

Total Alabama State University	17,855,489	16,119,163	33,974,652
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IV. STATE BOARD OF EDUCA- TION

A. Athens State College

1. Operations and Maintenance and Program Support	3,229,099	1,955,698	5,184,797
2. Social Security (FICA)-State Share	306,688		306,688
3. Auxiliary Enterprises		424,250	424,250
4. Restricted Funds		418,018	418,018

SOURCE OF FUNDS:

(1) ASETF	3,535,787		
(2) Other Funds		2,797,966	

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Total Athens State College	3,535,787	2,797,966	6,333,753
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**V. BOARD OF TRUSTEES OF AU-
BURN UNIVERSITY**

A. Auburn University System

1. Operations and Maintenance and Program Support	124,306,926	65,651,034	189,957,960
2. Social Security (FICA)-State Share	8,633,947		8,633,947
3. Auxiliary Enterprises		38,431,300	38,431,300
4. Restricted Funds		48,386,221	48,386,221

SOURCE OF FUNDS:

(1) ASETF	132,940,873		
(2) Other Funds		152,468,555	

Total Auburn University System	132,940,873	152,468,555	285,409,428
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**VI. BOARD OF TRUSTEES OF
JACKSONVILLE STATE UNI-
VERSITY**

A. Jacksonville State University

1. Operations and Maintenance and Program Support	17,680,694	10,093,106	27,773,800
2. Social Security (FICA)-State Share	1,620,637		1,620,637
3. Auxiliary Enterprises		3,200,000	3,200,000
4. Restricted Funds		4,520,000	4,520,000

SOURCE OF FUNDS:

(1) ASETF	19,301,331		
(2) Other Funds		17,813,106	

Total Jacksonville State University	19,301,331	17,813,106	37,114,437
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**VII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY**

A. Livingston University

1. Operations and Maintenance and Program Support	5,817,248	1,645,525	7,462,773
2. Social Security (FICA)-State Share	410,005		410,005
3. Auxiliary Enterprises		2,313,355	2,313,355
4. Restricted Funds		130,467	130,467

SOURCE OF FUNDS:

(1) ASETF	6,227,253		
(2) Other Funds		4,089,347	

Total Livingston University	6,227,253	4,089,347	10,316,600
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VIII. BOARD OF TRUSTEES OF UNIVERSITY OF MONTE- VALLO

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,666,129	4,462,964	14,129,093
2. Social Security (FICA)-State Share	698,897		698,897
3. Auxiliary Enterprises		4,551,490	4,551,490
4. Restricted Funds		1,804,383	1,804,383

SOURCE OF FUNDS:

(1) ASETF	10,365,026		
(2) Other Funds		10,818,837	
Total University of Montevallo	10,365,026	10,818,837	21,183,863

IX. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALA- BAMA

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,305,199	6,931,830	20,237,029
2. Social Security (FICA)-State Share	1,065,835		1,065,835
3. Auxiliary Enterprises		1,919,217	1,919,217
4. Restricted Funds		566,701	566,701

SOURCE OF FUNDS:

(1) ASETF	14,371,034		
(2) Other Funds		9,417,748	
Total University of North Alabama	14,371,034	9,417,748	23,788,782

X. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALA- BAMA

A. University of South Alabama

1. Operations and Maintenance and Program Support	41,260,867	105,519,289	146,780,156
2. Social Security (FICA)-State Share	5,829,972		5,829,972
3. Auxiliary Enterprises		8,519,425	8,519,425
4. Restricted Funds		13,625,000	13,625,000

SOURCE OF FUNDS:

(1) ASETF	47,090,839		
(2) Other Funds		127,663,714	

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Total University of South Alabama	47,090,839	127,663,714	174,754,553
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XI. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY

A. Troy State University System

1. Operations and Maintenance and Program Support	17,402,351	19,649,902	37,052,253
2. Social Security (FICA)-State Share	1,852,558		1,852,558
3. Auxiliary Enterprises		6,800,470	6,800,470
4. Restricted Funds		1,081,650	1,081,650

SOURCE OF FUNDS:

(1) ASETF	19,254,909		
(2) Other Funds		27,532,022	
Total Troy State University System ...	19,254,909	27,532,022	46,786,931

XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND

(a) Adult Programs	3,352,465	2,635,681	5,988,146
(b) Children and Youth Programs	10,447,535	1,748,136	12,195,671
(c) Industries for the Blind	1,543,091	13,400,000	14,943,091

SOURCE OF FUNDS:

(1) ASETF	15,343,091		
(2) Other Funds		17,783,817	
Total Alabama Institute for Deaf and Blind	15,343,091	17,783,817	33,126,908

SECTION 5.

In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds

appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 8.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1990.

SECTION 9.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 10.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 11.

This Act shall become effective on October 1, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson,

Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 291. To make a supplemental appropriation of five million dollars (\$5,000,000) from the Public Road and Bridge Fund to the Department of Public Safety for the fiscal year ending September 30, 1990; to reduce the appropriation from the State General Fund to the Department of Public Safety by five million dollars (\$5,000,000) for the fiscal year ending September 30, 1990; and to provide for the transfer of five million dollars (\$5,000,000) to the Department of Public Safety from funds which are appropriated to the State Highway Department from the Public Road and Bridge Fund for the fiscal year ending September 30, 1990.

TOMMY CARTER,
Chairman.

And the bill, H. 291 as engrossed, was ordered sent to the Senate.

RECESS

On motion of Rep. Campbell, the House recessed from 11:40 o'clock A.M. until 1:15 o'clock P.M.

HOUSE RECONVENED

The hour of 1:15 o'clock P.M. having arrived, the House reconvened. The Speaker called the House to order.

H. 281 RESUMED

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 281 as amended:

Amend Sub. H. B. 281 Page 36 Section 13 Lines 21, 27, 28 by striking the 4 figures: \$250,000 and substituting: \$100,000.

SUBSTITUTE AMENDMENT OFFERED

Rep. Freeman offered the following substitute amendment to the amendment offered by Rep. Fuller to the bill, H. 281 as amended:

Amend House Bill 281 as Last Substituted on page 36, by striking lines 20 through 28 in their entirety and re-numbering the remaining sections accordingly.

Further amend House Bill 281 as Last Substituted on page 9, line 7, by deleting the figure "1,409,464" and inserting in lieu thereof the figure "1,509,464".

Further amend House Bill 281 as Last Substituted on page 9, lines 11 and 13, by deleting the figure "16,159,342" and inserting in lieu thereof the figure "16,259,342".

Further amend House Bill 281 as Last Substituted on page 8, line 24 and on page 9 line 13 by deleting the figure "18,621,140" and inserting in lieu thereof the figure "18,721,140".

Further amend House Bill 281 as Last Substituted on page 10, lines 23 and 25 by deleting the figure "31,561,466" and inserting in lieu thereof the figure "31,661,466".

Further amend House Bill 281 as Last Substituted on page 10, line 25, by deleting the figure "323,678,363" and inserting in lieu thereof the figure "323,778,363".

Further amend House Bill 281 as Last Substituted on page 43 on lines 16 and 18 by deleting the figure "6,278,252" and inserting in lieu thereof the figure "6,378,252".

Further amend House Bill 281 as Last Substituted on page 43, on lines 14 and 18 by deleting the figure "6,946,506" and inserting in lieu thereof the figure "7,046,506".

MOTION TO TABLE LOST

The motion offered by Rep. White (G) to table the substitute amendment offered by Rep. Freeman, was lost.

Yeas 44; Nays 44.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Knight, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Petelos, Poole, Richardson, Sanderford, Slaughter, Turner, Venable, Warren, White (G), White (L), Willis and Wright.

—44

Nays:

Reps. Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Ford, Freeman, Fuller, Grayson, Hall, Harper, Haynes, Headley, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Mathis, McClain, McDowell, Newman, Parker, Payne, Perdue, Rogers, Spratt, Thomas, Turnham, Williams and Zoghby.

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SUBSTITUTE AMENDMENT INDEFINITELY POSTPONED

On motion of Rep. White (G), the substitute amendment offered by Rep. Freeman, was indefinitely postponed.

Yeas 48; Nays 42.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Butler, Crow, Curry, Dillard, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton,

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Hammett, Headley, Higginbotham, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis and Wright.

—48

Nays:

Reps. Beasley, Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Ford, Freeman, Grayson, Hall, Harper, Harvey, Haynes, Holmes, Johnson (RG), Johnson (RW), Kennedy, Marietta, Mathis, McClain, Melton, Moon, Parker, Penry, Perdue, Spratt, Starkey, Thomas, Warren, Williams and Zoghby.

—42

LEAVE OF ABSENCE

At the request of Rep. Gray, leave of absence was granted for Rep. Seibels.

At the request of Rep. Mathis, leave of absence was granted for Rep. White (F).

H. 281 RESUMED

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (RW) offered the following substitute amendment to the amendment offered by Rep. Fuller to the bill, H. 281 as amended:

Amend House Bill 281 as Last Substituted on page 36 after line 28 by adding the following new language:

“Before any expenditure of funds from the above appropriation, the executive secretary of the Education Study Commission must be confirmed by the Senate of the Alabama Legislature, notwithstanding any provisions of the law to the contrary.”

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. White (G), the substitute amendment offered by Rep. Johnson (RW), was tabled.

Yeas 47; Nays 45.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Butler, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Layson, Marks, McKee, McMillan, Mikell, Moon, Penry, Petelos, Sanderford, Slaughter, Spratt, Turner, Turnham, Venable, Walker, White (G) and Wright.

—47

Nays:

Reps. Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Davis, Ford, Freeman,

Fuller, Grayson, Hall, Harper, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Parker, Payne, Perdue, Poole, Rains, Rogers, Starkey, Thomas, Warren, White (L), Williams, Willis and Zoghby.

—45

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (RW) offered the following substitute amendment #2:

Amend H. B. 281 as substituted on page 36 after line 28 by adding the following language:

"None of the above appropriation to the Education Study Commission may be expended for the salary or expenses of the Executive Director until such time as that Director shall be confirmed by the Alabama Senate."

MOTION TO RECESS

Rep. Frazier offered the motion that the House recess until 10:00 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Grayson that the House adjourn until 10:00 o'clock a.m., was lost.

Yeas 5; Nays 71.

Yeas: Reps. Black, Bryant, Grayson, Spratt and Williams.

—5

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Britnell, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Willis and Zoghby.

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MOTION TO RECESS LOST

The question was then on the motion offered by Rep. Frazier that the House recess until 10:00 o'clock p.m., and the motion was lost.

Yeas 1; Nays 80.

Yea: Rep. Frazier.

—1

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey,

Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—80

H. 281 RESUMED

SUBSTITUTE AMENDMENT ADOPTED

The question was again on the substitute amendment #2 offered by Rep. Johnson (RW), and the substitute amendment was adopted.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis, Wright and Zoghby.

—86

Nay: Rep. Rogers.

—1

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 43, lines 16 and 18 by deleting the figure "6,278,252" and inserting in lieu thereof the figure "6,378,252".

Further amend on page 43, lines 14 and 18 by deleting the figure "6,946,506" and inserting in lieu thereof the figure "7,046,506".

Further amend on page 46, lines 9 and 24 by deleting the figure "3,693,398" and inserting in lieu thereof the figure "3,593,398".

Further amend on page 46, lines 21 and 24 by deleting the figure "2,634,099" and inserting in lieu thereof the figure "2,534,099".

Further amend on page 46, line 14 by deleting the figure "1,456,283" and inserting in lieu thereof the figure "1,356,283".

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Turnham to the bill, H. 281 as amended, was tabled.

Yeas 62; Nays 18.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Dillard, Drake, Escott, Ford, Goodwin, Gray, Grayson, Harper, Harvey, Haynes, Headley, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Richardson, Spratt, Starkey, Thomas, Venable, White (G), Williams, Willis and Zoghby.

—62

Nays:

Reps. Blake, Brooks, Cosby, Curry, Flowers, Fuller, Gaston, Grouby, Higginbotham, Hill, Hogan, Kvalheim, Laird, Logan, Rains, Sanderford, Turnham and Warren.

—18

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 281 as amended:

To amend House Bill 281 as substituted on page 3 after line 23 by adding the following new language:

“In addition to the above appropriation to the State Council on the Arts, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund the sum of \$100,000 to be used to fund local arts councils. It is the intent of the legislature that these conditionally appropriated funds be in addition to the regular appropriations to the various local arts councils. Said appropriation is conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers,

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Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—89

AMENDMENT OFFERED

Rep. Bugg offered the following amendment to the bill, H. 281 as amended:

Amend to H. B. 281 as substituted on page 35, line 24 by deleting the words "Gadsden State Community College" and inserting in lieu thereof the words:

"Gadsden State Technical Institute".

Further amend on page 36, line 6 by inserting after the word "(Hanceville)" the following words:

"(27) Alabama Technical College".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Fuller, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Willis and Zoghby.

—79

AMENDMENT OFFERED

Rep. Melton offered the following amendment to the bill, H. 281 as amended:

To amend H. B. 281 as substituted on page 54, line 31 by deleting the figures "16,942,374" and "23,194,266" and inserting in lieu thereof the figures "18,738,611" and "24,990,503".

Further amend the bill on page 55 lines 6 and 8 by deleting the figure "18,114,272" and inserting in lieu thereof the figure "19,910,509".

Further amend the bill on page 55 line 8 by deleting the figure "36,834,479" and inserting in lieu thereof the figure "38,630,716".

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Melton to the bill, H. 281 as amended, was tabled.

Yeas 68; Nays 19.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Slaughter, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—68

Nays:

Reps. Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Davis, Escott, Grayson, Hill, Kennedy, Layson, McClain, McDowell, Melton, Perdue, Poole, Rogers, Spratt and Thomas.

—19

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 281 as amended:

To amend H. B. 281 as substituted on page 50 after line 17 by adding the following:

“It is the intent of the Legislature that no funds appropriated to any of the three campuses under Section 41A (The University of Alabama System) shall be used to fund the Chancellor’s office.”

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Rogers to the bill, H. 281 as amended, was tabled.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

—67

Nays: Reps. Bryant and Rogers.

—2

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 34 after line 24 by adding the following new sub-section:

"(4) There is hereby appropriated \$1,500,000 for the completion of a physical education building at George C. Wallace Community College at Hanceville to be conditioned upon the availability of funds in the ASETF and the approval of the Governor."

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Bowling to the bill, H. 281 as amended, was tabled.

Yeas 54; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Brooks, Burke, Butler, Campbell, Carter, Coburn, Cosby, Curry, Dillard, Escott, Flowers, Frazier, Gaston, Goodwin, Gray, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, McKee, McMillan, Mikell, Newman, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (G) and Willis.

—54

Nays:

Reps. Biddle, Bowling, Britnell, Bryant, Drake, Ford, Grayson, Hamilton, Harvey, Layson, Logan, Moon, Parker, Turnham and Williams.

—15

AMENDMENT OFFERED

Rep. Haynes offered the following amendment #1 to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 58, line 24 by deleting the figures "3,352,465" and "5,988,146" respectively and inserting in lieu thereof the figures "3,852,465" and "6,488,146" respectively.

Further amend on page 58, lines 28 and 31 by deleting the figure "15,343,091" and inserting in lieu thereof the figure "15,843,091".

Further amend on page 58, line 31 by deleting the figure "33,126,908" and inserting in lieu thereof the figure "33,626,908".

Further amend on page 58 after line 24 by inserting the following language:

"The Board of Trustees shall appoint a director of Adult Services and Industries for the Blind. Said director shall be directly responsible to the Board of Trustees for all Adult Services programs and Industries for the Blind programs and shall be given all necessary authority to fulfill such authority."

Further amend on page 58 after line 24 by adding the following language:

"Of the above appropriation to Adult Programs, \$600,000 shall be earmarked for renovation."

Further amend on page 58 after line 25 by adding the following language:

"Of the above appropriation to the Children and Youth Programs, \$850 shall be expended for instructional supplies for each teacher unit funded. Of this amount, \$600 shall be expended for instructional supplies for each teacher and \$250 shall be expended for instructional supplies for the students in each classroom. In addition, \$150,000 of the above appropriation to the Children and Youth Programs shall be earmarked for providing central heating and air conditioning at Wood Hall at the Helen Keller School."

Further amend on page 58 after line 31 by adding the following language:

"The Regional Centers shall be funded at least the same level as such centers were funded in fiscal year 1988-89."

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #1 offered by Rep. Haynes to the bill, H. 281 as amended, was tabled.

Yeas 51; Nays 24.

Yeas:

Reps. Adams, Beers, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Butler, Campbell, Carter, Clark (W), Coburn, Cosby, Dillard, Drake, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Hamilton, Hammett, Harper, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Payne, Penry, Perdue, Rains, Richardson, Sanderford, Starkey, Turnham, White (G) and Williams.

—51

Nays:

Reps. Beasley, Biddle, Blake, Bowling, Carothers, Crow, Curry, Davis, Escott, Haynes, Hill, Johnson (RG), Kennedy, Kvalheim, Layson, Logan, Melton, Moon, Parker, Poole, Slaughter, Spratt, Turner and Willis.

—24

AMENDMENT OFFERED

Rep. Haynes offered the following amendment #2 to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 58 after line 24 by inserting the following language:

"The Board of Trustees shall appoint a director of Adult Services and Industries for the Blind. Said director shall be directly responsible to the Board of Trustees for all Adult Services programs and Industries for the Blind programs and shall be given all necessary authority to fulfill such authority."

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Further amend on page 58 after line 24 by adding the following language:
"Of the above appropriation to Adult Programs, \$100,000 shall be earmarked for renovation."

Further amend on page 58 after line 25 by adding the following language:
"Of the above appropriation to the Children and Youth Programs, \$850 shall be expended for instructional supplies for each teacher unit funded. Of this amount, \$600 shall be expended for instructional supplies for each teacher and \$250 shall be expended for instructional supplies for the students in each classroom. In addition, \$150,000 of the above appropriation to the Children and Youth Programs shall be earmarked for providing central heating and air conditioning at Wood Hall at the Helen Keller School."

Further amend on page 58 after line 31 by adding the following language:
"The Regional Centers shall be funded at least the same level as such centers were funded in fiscal year 1988-89."

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #2 offered by Rep. Haynes to the bill, H. 281 as amended, was tabled.

Yeas 41; Nays 26.

Yeas:

Reps. Adams, Beers, Box, Breedlove, Britnell, Brooks, Burke, Campbell, Carter, Coburn, Cosby, Dillard, Drake, Flowers, Frazier, Fuller, Goodwin, Gray, Grayson, Hammett, Harper, Headley, Higginbotham, Holley, Hooper, Marietta, Marks, McKee, McMillan, Melton, Newman, Payne, Penry, Perdue, Petelos, Richardson, Sanderford, Starkey, Turnham, White (G) and Williams.

—41

Nays:

Reps. Beasley, Blake, Bowling, Buskey (JL), Butler, Carothers, Curry, Davis, Ford, Gaston, Haynes, Hill, Hogan, Johnson (RG), Johnson (RW), Kvalheim, Layson, Logan, Mathis, McDowell, Mikell, Parker, Poole, Rains, Slaughter and Turner.

—26

AMENDMENT OFFERED

Rep. Grouby offered the following amendment to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 31 after line 8 by adding the following new line:

"(22) Banned-Out Alternative School
in Autauga County 100,000

This appropriation is conditioned on the availability of funds in the ASETF and the approval of the Governor."

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Grouby to the bill, H. 281 as amended, was tabled.

Yeas 59; Nays 10.

Yeas:

Reps. Adams, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Coburn, Curry, Dillard, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, Melton, Moon, Newman, Parker, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, White (G), Willis and Zoghby.

—59

Nays:

Reps. Beasley, Bowling, Cosby, Drake, Hamilton, McKee, McMillan, Payne, Penry and Starkey.

—10

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 7, after line 29 by adding the following language:

“In addition to the above appropriation of \$2,034,009 to the In-service Centers, there is hereby appropriated \$700,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—90

AMENDMENT OFFERED

Rep. Haynes offered the following amendment #3 to the bill, H. 281 as amended:

Amend H. B. 281 as substituted on page 58 after line 24 by adding the following language:

“Of the above appropriation to Adult Programs, \$100,000 shall be earmarked for renovation.”

Further amend on page 58 after line 25 by adding the following language:

"Of the above appropriation to Children and Youth Programs, \$150,000 shall be earmarked for central heat and air conditioning at Wood Hall at the Helen Keller School."

Further amend on page 58, after line 31 by adding the following language:

"The Regional Centers shall be funded at least at the same level as such centers were funded in fiscal year 1988-89."

MOTION TO TABLE LOST

The motion of Rep. Payne to table the amendment #3 offered by Rep. Haynes to the bill, H. 281 as amended, was lost.

Yeas 13; Nays 49.

Yeas:

Reps. Adams, Beers, Britnell, Cosby, Flowers, Grayson, Holley, Knight, McMillan, Payne, Penry, Richardson and Sanderford.

—13

Nays:

Reps. Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Coburn, Curry, Drake, Escott, Ford, Frazier, Fuller, Gaston, Goodwin, Grouby, Harper, Haynes, Headley, Hogan, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, Moon, Newman, Perdue, Poole, Rains, Slaughter, Spratt, Starkey, Thomas, Turner, Williams, Willis and Zoghby.

—49

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #3 offered by Rep. Haynes to the bill, H. 281 as amended, and the amendment was adopted.

Yeas 42; Nays 16.

Yeas:

Reps. Blake, Box, Bugg, Buskey (JL), Butler, Carothers, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Grouby, Harper, Haynes, Hogan, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Mathis, Moon, Parker, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Williams, Willis and Zoghby.

—42

Nays:

Reps. Adams, Beers, Biddle, Breedlove, Brooks, Cosby, Hamilton, Higginbotham, Holley, McKee, McMillan, Payne, Penry, Petelos, Sanderford and Turnham.

—16

H. 281 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill H. 281 as amended, was temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Rep. Carothers:

H. J. R. 74. SUSPENDING THE PROVISIONS OF ACT 87-665 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990.

WHEREAS, the projected revenue in the Alabama Special Educational Trust Fund for Fiscal Year 1989-90 is less than the actual appropriations from said fund for Fiscal Year 1988-89; and

WHEREAS, there is a shortage of available classroom space in certain local school systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of Act 87-665 shall be suspended for the Fiscal Year ending September 30, 1990. The Legislature may, at its discretion, partially implement any provisions of Act 87-665 to the extent permitted by any revenue that it deems to be available for such purposes.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Carothers offered the motion to suspend the rules and adopt the resolution, H. J. R. 74.

DIVISION OF THE QUESTION

Rep. Johnson (RW) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Carothers to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 74, and the motion was lost.

Yeas 30; Nays 62.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Breedlove, Britnell, Carothers, Carter, Coburn, Davis, Frazier, Gray, Hammett, Harper, Haynes, Headley, Higginbotham, Johnson (RG), Logan, Marks, McKee, McMillan, Penry, Petelos, Slaughter, Spratt, Turnham, Venable and White (G).

—30

Nays:

Reps. Black, Blake, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Richardson,

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Rogers, Sanderford, Starkey, Thomas, Turner, Warren, White (L), Williams, Willis and Zoghby.

—62

The resolution, H. J. R. 74 was read and referred to the Standing Committee on Rules.

H. 281 RESUMED
AMENDMENT OFFERED

Rep. White (G) offered the following amendment to the bill, H. 281 as amended:

Amend House Bill 281 as last substituted by deleting pages 13 through 31 in their entirety and by substituting in lieu thereof the new pages 13 through 31 as follows:

“The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD
OF-LOCAL BOARDS:

(a) Financial Assistance Program 552,483,514

SOURCE OF FUNDS:

(1) ASETF 552,483,514

Total State Board of Education-Local
Boards 552,483,514 552,483,514

To be distributed by the State Board
of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick
Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal

Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Support Personnel Personal

Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

(5) Classroom Instructional

Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for

classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

- (6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education

certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,737,269

To be distributed by the State Board
of Education as follows: \$450,000

shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired.

(10) Kindergarten Teacher
Units 88,247,463

The above appropriation is for 3,037.04
teacher units and includes salaries,

other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$21,968,338. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 17,538,225

The above appropriation is for 592.52
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,587. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.69	\$ 2,150,422
I	22,961	328.26	7,537,178
II	19,992	<u>176.57</u>	<u>3,529,987</u>
		592.52	\$13,217,587

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$4,285,976. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$34,662.

(12) Teacher Units to reduce pupil-teacher ratio in Grade 1 .. 1,627,795

The above appropriation is for 55.00 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$1,226,736. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	8.03	\$ 196,920
I	22,961	30.58	702,147
II	19,992	<u>16.39</u>	<u>327,669</u>
		55.00	\$1,226,736

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$397,841. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$3,218.

(13) Supportive Teacher

Units 53,545,368

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,785.73 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$40,523,879. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	396.43	\$ 9,721,653
I	22,961	1,019.65	23,412,184
II	19,992	<u>369.65</u>	<u>7,390,042</u>
		1,785.73	\$40,523,879

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$12,917,024.

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It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$104,465.

(14) Special Education Teacher

Units 105,432,037

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$25,317,145. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher

Units 8,594,710

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	71.92	1,437,824
		<u>290.00</u>	<u>\$6,480,039</u>

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$2,097,706. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act
87-665 20,280,253

The above appropriation is for 682 teacher units and includes salaries, principal supplement, other current expense and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$15,238,929. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.30	\$ 2,140,858
I	22,961	407.15	9,348,571
II	19,992	187.55	3,749,500
		<u>682.00</u>	<u>\$15,238,929</u>

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$68,200.

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$4,933,227. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$39,897.

(17) Vocational
Education 85,850,571

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, an equal amount shall be allotted to each vocational teacher

unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$356,500 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement
(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

8. PROJECT DARE:

(a) Drug Education Program 200,000

To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Project DARE	200,000	200,000

9. EDUCATION, STATE BOARD OF-POSTSECONDARY PRISON EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Programs at Clio and Clayton	300,000		300,000

(d) FICA-State Share	300,000		300,000
SOURCE OF FUNDS:			
(1) ASETF	7,022,856		
(2) Federal and Local Funds		1,953,165	
<hr/>			
Total State Board of Education-Post-secondary Prison Education	7,022,856	1,953,165	8,976,021

(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson"

Further amend House Bill 281 as last substituted on page 38 by striking lines 24-34 in their entirety and by striking page 39 in its entirety and page 40 by striking lines 5-10 in their entirety and insert in lieu thereof the following:

**"19. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES':**

(a) Administrative Support Services Program	130,673,290
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The above appropriation of \$130,673,290 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$130,673,290 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989-90 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per

month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	130,673,290	
Total Public Education Employees' Health Insurance Board	130,673,290	130,673,290

In addition to the above appropriation to the Public Education Employees' Health Insurance Board, there is hereby conditionally appropriated \$13,650,070 to be conditioned upon the passage of a Joint Resolution suspending the provisions of Act 87-665."

AMENDMENT TABLED

On motion of Rep. Fuller, the amendment offered by White (G) to the bill, H. 281 as amended, was tabled.

Yeas 77; Nays 18.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Poole, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (L), Williams, Willis and Zoghby.

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Nays:

Reps. Beers, Brooks, Cosby, Curry, Gray, Hammett, Harper, Knight, Layson, Logan, Marks, McMillan, Penry, Petelos, Rains, Sanderford, Slaughter and White (G).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Biddle intended to vote "Nay" on the motion offered by Rep. Fuller to table the amendment offered by Rep. White (G) on the bill, H. 281 as amended.

H. 281 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, H. 281 as amended was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Knight, the rules were suspended in order to receive the call of districts for the introduction of bills and the reports of the Standing Committees.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

H. 39. To amend Section 12-13-41, Code of Alabama 1975, which relates to duties of probate judges of this state, so as to allow the probate judge to maintain a single bound volume, or single data source, for the registration of deeds of conveyance, mortgages and other instruments to secure the payment of debt.

H. 69. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

H. 70. To amend Section 38-10-8, Code of Alabama 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

H. 308. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

H. 18. To provide protection for public employees and employees working on jobs financed by public money who report violations or suspected violations of laws, regulations or rules; and for employees who participate in hearings, investigations, legislative inquiries or court actions; and to prescribe remedies and penalties for violations.

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

H. 104. To amend Sections 13A-5-2, 13A-5-11 and 13A-5-12, Code of Alabama 1975, which relate to criminal sentences, so as to provide for the imposition of minimum fines in criminal sentences.

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

H. 114. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and to authorize collection of fees to defray the expense of this program.

H. 115. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The bill will become effective January 1, 1990.

H. 286. To amend Section 14-3-36, Code of Alabama, 1975, to allow the Department of Corrections to dispose of property, money, or other things of value not authorized in the institution upon delivery or contraband, other than evidence, discovered in an inmate's possession while institutionalized, and the proceeds of items liquidated be deposited in the inmate welfare fund.

H. 91. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

H. 85. Relating to warranties implied in the sale of real estate and the waiver and relinquishment of such; to provide that a purchaser of real property, shall have the right to state in writing that such transactions shall not be subject to any implied warranties which exist now or in the future, and to provide language which shall be legally sufficient to express the intention that such transaction will not be subject to any implied warranties.

H. 93. To provide further for the creation, alteration and termination of condominiums; the management of condominiums; protection of condominium purchasers and general provisions. To be known as the Alabama Uniform Condominium Act and to apply to all condominiums created in Alabama after January 1, 1990.

H. 280. To provide for the suspension of drivers licenses of juveniles convicted of alcohol or controlled substances abuse.

H. 126. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein.

Further to amend Ala. Code §35-4-6 (1975) so as to provide that recordation of a memorandum of lease has the same affect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

H. 80. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 272. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 138. (With Amendment): To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 139. To amend Section 36-26-81, Code of Alabama, 1975, so as to provide for the provisional appointment of personnel to administer public health services within the county health department.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 140. (With Substitute): This bill appropriates \$1.5 million to the health department for liability insurance premium grants for family practitioners and obstetricians who are willing to establish a new obstetrical practice in rural or underserved areas. This bill sets the maximum limit of the grant and authorizes the State Board of Health to adjust the amount based on any annual premium increases. This bill defines the criteria for eligibility.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 302. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to

create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 108. (With Substitute): To amend Sections 34-38-1 and 34-38-2, Code of Alabama 1975, relating to the Alabama Impaired Professionals' Committee, so as to provide further for the cost of treatment programs and the authority of the board or boards to take disciplinary action against professionals.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 166. (With Amendment): This bill amends the notifiable disease statute by removing the requirement for a complete physical examination prior to obtaining a marriage license; removes the requirement that all persons confined in a city or county jail be tested for contagious diseases; removes the requirement that a commitment hearing be before a jury; and removes the requirement that the state be responsible for all expenses incurred in the care and treatment of persons with contagious diseases for an unlimited length of time. Provides for the approval of laboratory test for AIDS.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 360. To amend Section 17-4-131 of the Code of Alabama 1975, relating to death information furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said name from the registration lists within a certain time.

Rep. Williams, Chairman of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered

same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 35. (With Amendment): To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alteration procedure which creates an agency relationship between related banks.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 362. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise tax, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

H. 335. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

H. 359. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forebear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 376. (With Substitute): To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day"; to provide for severability of the provisions of this Act; and to provide an effective date.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered

same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 357. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

H. 176. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

WHEREAS, the residential use of such space is accessory to the primary use of such space as a place of work; now therefore,

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 97. To authorize the state board of education, in cooperation with the department of public safety, to promulgate rules and regulations necessary: (1) to prohibit any child with an excessive number of unexcused absences from school, or who has dropped out of school, from taking the examination for issuance of a driver's license; (2) to provide for the forfeiture of a driver's

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license of a child who is habitually truant or who drops out of school; and to provide that the rules adopted pursuant to this act shall be subject to the Alabama Administrative Procedure Act.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 26. (With Amendment): To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

H. 45. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to provide for a license year of from August 1 to July 31 of each year for those hunting or fishing licenses provided for in Sections 9-11-44 or 9-11-53, Code of Alabama 1975, as last amended; and to provide for the license years to which said amendatory provisions apply.

H. 95. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 64. To amend Section 9-11-56.1, Code of Alabama 1975, as last amended, relating to non-resident commercial fishing licenses, so as to further

provide for said licenses; to provide that the department of conservation and natural resources may sell said licenses to all non-residents for a license fee of \$500.00 and an issuance fee of \$1.00; and to delete certain provisions thereof relating to the sale of said licenses on a reciprocal basis.

H. 3. To designate the Stevenson Depot as the Official Railway Museum of Alabama.

WHEREAS, the Stevenson Railroad Depot, which was built in the early 1850's, has been truly steeped in railroad and transportation history, serving as a major communication center; and

WHEREAS, the renovation of the Depot was completed in the early 1980's and the history of railroading in North Alabama is preserved in memorabilia and exhibits, and a multimedia presentation; and

WHEREAS, since year-round operation of the museum began in 1982, thousands of tourists, area residents, and students have toured the Depot and to see on static display, classic steam locomotives, various railway rolling stock and equipment; now therefore,

H. 4. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

H. 285. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that non-residents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

H. 55. To amend Section 9-11-242, Code of Alabama 1975, as last amended, relating to hunting at night on the lands of another, so as to delete certain exceptions for fox, raccoon, and opossum hunting.

H. 65. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

H. 66. To amend Section 9-11-143, Code of Alabama 1975, as last amended, relating to licenses for the use of commercial fishing gear, so as to increase the license and issuance fees thereof; and to provide for license years to which said amendatory provisions apply.

H. 307. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

H. 304. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 54, 55, and 56 of the Code of Alabama 1975, as amended from time to time.

H. 44. To provide penalties for persons who engage in any act of hunting during any period of time in which they, by order of any circuit or district court judge, have had any hunting license privileges revoked or suspended or been otherwise prohibited from obtaining hunting licenses or hunting in this state.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 110. (With Amendment): To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

H. 111. (With Amendment): To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors

found in the tax return, and to further provide for the refund of overpayments due to such errors.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 252. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to the Council, including the Mayor, shall vote in its favor.

H. 253. To amend Sections 11-43-41 and 11-43-42, Code of Alabama 1975, relating to the procedure for filling vacancies in the offices of certain city officials, so as to provide further for such procedure.

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any such officer or employee shall be a member of any such county board of human resources.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

H. 130. Relating to Chilton County; amending Section 3 of Act No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for a referendum.

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund.

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

The above bill was read a second time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Fuller:

H. J. R. 75. INVITING THE CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF ALABAMA TO ADDRESS A JOINT SESSION OF THE LEGISLATURE OF THE STATE OF ALABAMA ON THE STATE OF THE ALABAMA JUDICIARY.

WHEREAS, it is the desire of the Legislature of the State of Alabama to hear from the Chief Justice of the Supreme Court on the State of the Judiciary in Alabama, now therefore

BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Chief Justice of the Alabama Supreme Court is hereby invited on an annual basis, beginning in 1989, to address the Legislature of Alabama on the State of the Judiciary in Alabama; such invitation may be extended annually by the Speaker of the House of Representatives and the Lieutenant Governor.

On motion of Rep. Fuller, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Rep. Fuller:

H. J. R. 76. CREATING A SPECIAL JOINT COMMITTEE TO STUDY THE INSURANCE PREMIUM TAX ISSUE.

WHEREAS, legislation was introduced the last Session of the Legislature pertaining to the differential in premium taxes charged non-Alabama insurers and domestic insurers; and

WHEREAS, there is litigation pending in the Circuit Court of Montgomery County challenging the constitutionality of these premium tax statutes; and

WHEREAS, a ruling adverse to the State in such litigation could require the State to pay refunds in an amount estimated to be as much as \$350,000,000.00 and could reduce the State tax collections by as much as \$91,000,000.00 per year; and

WHEREAS, legislation may provide a solution to this potential liability and remove this litigation from the courts.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That a special joint committee be appointed to investigate, study and make recommendations to the respective tax writing committees and the Legislature as a whole concerning the course of action the Legislature should take to solve the problem of discriminatory premium taxes and to remove the cloud of the potentially devastating loss of revenue to the State of Alabama.

BE IT FURTHER RESOLVED, That such investigative committee be composed of three members each of the House Ways and Means Committee and the Senate Committee on Finance and Taxation, such members to be appointed by the respective Chairmen of said committees.

BE IT FURTHER RESOLVED, That the report of the special joint committee be made to their respective committees and the Legislature not later than the 10th legislative day of the 1989 Regular Session.

On motion of Rep. Fuller, the rules were suspended and the resolution, H. J. R. 76, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Beers:

H. 386. To provide that any institution receiving state funds when teaching that man evolved from a lower form of life, such institution shall include with any such teaching the written statement that the teaching that man evolved from lower life has not been scientifically proved, but rather is only a theory and that another widely held theory is that God created man in his present form.

Committee on Judiciary.

By Reps. Buskey (JL), Haynes, Campbell, Holley, Johnson (RW), Kennedy, Parker, Laird, Layson, Butler, Newman, Starkey, Mathis, Dillard, Cosby, Walker, McClain, Fuller, Zoghby, Harper, Holmes, Gaston, Poole, Blake, Ford, Bowling, Beasley, Burke, Harvey, Moon, White (G), Kvalheim, Perdue, Crow, Turner, Hogan, Bryant, Williams, Johnson (RG), Richardson, Brooks, Slaughter, Box, White (L), Adams, Petelos, Coburn, Carothers, Hill, Grayson, Headley, Hooper, Britnell, Flowers, Marks, Rogers, McDowell, Goodwin, Spratt, Carter, Venable, and Thomas:

H. 387. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

Committee on Health.

The above bill was read a first time at length as required by the Constitution.

By Reps. Laird, Harvey, Layson, Hooper, Flowers, McMillan, McKee, Hill, Frazier, and Richardson:

H. 388. To propose a constitutional amendment which provides that no tax or license fee affecting the state as a whole may be imposed or levied or the rate thereof increased except pursuant to an act of the legislature adopted by a two-thirds vote of all members elected to each house.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Drake and Bowling (With Notice and Proof):

H. 389. Relating to Cullman County; prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 389, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Beers:

H. 390. To provide for the further regulation of abortions in this state; to declare that human life begins at conception and provide for the protectible interests of unborn children and their natural parents; to provide for the regulation of employers and public and private institutions performing abortions and employees thereof; to provide for certain procedures and information prior to the performance of an abortion; to provide for obtaining the informed written consent of a pregnant woman prior to performing an abortion, and to provide for advice as to alternatives thereto; to provide for court procedures for abortions performed on certain minors; to provide for the gestation stage after which abortions shall be performed at a hospital; to provide that only certain licensed physicians may perform abortions; to prohibit certain fees at public or private educational institutions from being used for abortions; to prohibit the use of public funds for counseling of a woman to have an abortion not necessary to save her life; to prohibit a public employee within the scope of his employment to counsel someone to have an abortion or perform or assist an abortion not necessary to save the life of the mother; to prohibit the use of a public facility to be used for the purpose of performing or assisting an abortion not necessary to save the life of the mother or for the purpose of encouraging or counseling a woman to have an abortion not necessary to save her life; and to provide for civil and criminal penalties for violations.

Committee on Judiciary.

By Reps. Laird, Clark (J), Crow, Dillard, McMillan, Adams, Kvalheim, Johnson (RW), Hammett, Box, Ford, Cosby, Hooper, McKee, Butler, Richardson, Beasley, Layson, Mikell, Warren, Higginbotham, Carter, Knight, Freeman, Mathis, Venable, Hamilton, Turner, and Blakeney:

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the

desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsoleted by these amendments.

Committee on Business and Labor.

By Reps. Butler, Burke, White (L), Cosby, Hamilton, Gaston, Lindsey, Carter, Starkey, Venable, Adams, and Harper:

H. 392. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, regarding certain homestead exemptions for persons who are over 65 years of age, blind or disabled; so as to remove the requirement of annually claiming such exemptions, retroactive to October 1, 1988.

Committee on Ways and Means.

By Rep. Haynes:

H. 393. To provide for the preparation of an impact statement for any bill deemed to have a "significant" impact on the population or cost of operation of any or all institutions/external corrections service facilities or programs of the department of corrections.

Committee on State Administration.

By Rep. Zoghby:

H. 394. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Committee on Banking.

By Rep. Rains:

H. 395. To provide that the county commissions of the various counties in the state may cover or fill certain hazardous water wells on private property.

Committee on Judiciary.

By Reps. Turner and Clark (W) (With Notice and Proof):

H. 396. To amend Act #81-508 which provides for certain appointed positions within the Tax Assessor's Office of Mobile County to be incorporated within the Merit System of Mobile County and governed by the rules and regulations of the Personnel Board of Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 396, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Moon:

H. 397. To prohibit the operation of vessels with children on board unless each child is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

Committee on Judiciary.

By Rep. Britnell:

H. 398. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

Committee on Highway Safety.

By Reps. Blakeney and Black:

H. 399. To appropriate the sum of \$1,000,000 from the Alabama Special Educational Trust Fund to the Choctaw County Board of Education for the fiscal year ending September 30, 1989; said sum shall be in lieu of a similar amount previously appropriated in Act No. 88-692.

Committee on Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 400, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains, Hill, Burke, Seibels, Hooper, Moon, Carter, Johnson (RG), Turnham, Harvey, Higginbotham, Johnson (RW), Penry, Blake, Venable, Hammett, Flowers, Headley, Cosby, Beasley, Willis, Hogan, Clark (J), Logan, White (G), Marks, Laird, Bowling, Adams, Ford, Payne, Butler, Drake, Melton, Holley, Fuller, Campbell, Goodwin, Grouby, Haynes, Warren, Poole, Curry, Breedlove, Kvalheim, Gaston, Harper, Carothers, Biddle, Hamilton, Gray, Richardson, McMillan, Dillard, Slaughter, Petelos, Williams, Turner, Knight, Sanderford, Blakeney, Brooks, and Mikell:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Mikell:

H. 402. To amend section 32-5-192, Code of Alabama 1975, relating to a motor vehicle operator's implied consent to submit to chemical tests to determine blood alcohol content, so as to extend said implied consent to tests for controlled substances.

Committee on Judiciary.

By Reps. Johnson (RW) and Zoghby:

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

Committee on Ways and Means.

By Rep. Freeman:

H. 404. To create the Alabama Workmen's Compensation Self Insurers Guaranty Association; to provide for its membership and the management of its affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Committee on Business and Labor.

By Reps. Slaughter, McClain, White (G), Beers, Gray, Newton, Payne, Davis, Rogers, Spratt, Hill, Curry, Logan, Wright, and Petelos:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food to needy persons pursuant to any program conducted by a charitable or not-for-profit organization under conditions where the food is sold to such needy persons at a discounted cash price not greater than fifty percent of its retail fair market value and at least one hour of community or charitable work is required to be performed by each person purchasing such food for every ten dollars of the discounted cash purchase price.

Committee on Ways and Means.

By Reps. Blake, Walker, Hooper, Moon, Mikell, Breedlove, Haynes, White (L), Butler, Gaston, Hall, and Bugg:

H. 406. To amend Section 36-29-2 of the Code of Alabama 1975 to provide further for the membership of the state employees' insurance board.

Committee on State Administration.

By Rep. Beers:

H. 407. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Committee on Judiciary.

By Rep. Beers:

H. 408. To amend Sections 16-13-52 and 16-13-52.1, Code of Alabama 1975, relating to the determination of teacher units for the purpose of

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apportioning the minimum program fund, so as to provide further for the formula for determining the number of teacher units.

Committee on Ways and Means.

By Reps. Butler, Burke, Drake, Fuller, Clark (J), Adams, Beers, Grouby, Hooper, Gray, Starkey, Goodwin, Seibels, Moon, Newman, Richardson, Freeman, Brooks, Sanderford, Spratt, Johnson (RW), Melton, White (G), Bugg, Kvalheim, Blakeney, Rains, Carter, Harvey, McClain, Payne, Petelos, Wright, Hamilton, Dillard, Marks, Biddle, Curry, Slaughter, Logan, Higginbotham, Campbell, Flowers, Turnham, Cosby, Gaston, Zoghby, Turner, Penry, McKee, Mikell, Hill, McMillan, Breedlove, Clark (W), White (L), Beasley, Williams, Poole, Johnson (RG), Mathis, Carothers, Holmes, Willis, Crow, Hogan, and Bryant:

H. 409. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Committee on Judiciary.

By Rep. Butler:

H. 410. Proposing an amendment to the Constitution of Alabama of 1901, relating to authorizing the creation of county water authorities by a general or a local act of the Legislature.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Layson:

H. 411. Relating to the qualifications for application for registration as a forester and to the annual renewal of licenses of registered foresters; amending Sections 34-12-4 and 34-12-8 of the Code of Alabama 1975, so as to provide further for qualifications for registration as a forester and to eliminate the three months' grace period in which to renew the forester's license after the expiration thereof on the thirtieth day of September of each year.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Buskey (JE):

H. 412. To exempt the Mobile Area Mardi Gras Association from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Buskey (JL) (With Notice and Proof):

H. 413. Relating to the imposition of a license fee or tax by the Bullock County Commission upon any natural person on account of personal services rendered at a rate not to exceed one percent (1%) on gross receipts and compensation derived from salaries, wages, commissions and/or bonuses by anyone in Bullock County who is engaged in any trade occupation or profession for the purpose of providing tax revenue for the Bullock County Hospital; to provide for the permissive power and authority of the County

Commission to impose, levy, collect and remove such tax; to provide for the imposition of fines, interest and penalties for the enforcement of the collection of the tax; to provide for the duty of withholding, reporting and remitting said tax imposed, upon the persons taxed and the employer; to provide for an advisory referendum on the question of the continued imposition of the tax; to provide for the power and authority of the County Commission to promulgate regulations for administration and enforcement of the tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 413, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Perdue and Newton:

H. 414. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs, which shall be known as the "Alabama Drug Trafficking Enterprise Act," and to prescribe punishment.

Committee on Judiciary.

By Reps. Payne, Biddle, Wright, Beers, Rains, Breedlove, Johnson (RG), Haynes, Poole, Cosby, Curry, and Hall (With Notice and Proof):

H. 415. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Committee on Local Government.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 415, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Haynes:

H. 416. To amend section 12-17-142, Code of Alabama 1975, so as to provide for the terms of office and compensation for Supernumerary Clerks and Registers.

Committee on Ways and Means.

By Rep. Blake (With Notice and Proof):

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Goodwin and Coburn (With Notice and Proof):

H. 418. Relating to Colbert County; to amend Section 1 of Act No. 79-131, H. 249, 1979 Regular Session (Acts 1979, p. 238), so as to provide further for the compensation of election officials.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 418, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis:

H. 419. To provide for the attainment and maintenance of certain public education personnel salaries commensurate with the 1991 regional and 1995 national salary averages; to provide for suspensions in certain fiscal years; to provide for definitions and terms; and to further establish miscellaneous pay provisions for public education employees.

Committee on Ways and Means.

By Rep. White (L):

H. 420. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Committee on Insurance.

By Rep. Holley:

H. 421. To create a Waste Minimization and Environmental Educational Consortium, to provide expertise to industries and the public in the field of solid and hazardous waste and to develop environmental educational programs for Alabama schools; to provide for membership in said consortium, to constitute said consortium as a body corporate; to provide for management of the consortium; to provide for an Oversight Committee and to provide for contributions and annual expenditures by the governing authorities of member institution.

Committee on Judiciary.

By Rep. Holley:

H. 422. Imposing certain additional per ton fee on operations of commercial sites for the disposal of hazardous waste or hazardous substances that originate and are transported to such sites from out of state; providing for the administration of this act including the manner of collection and disposition of such additional fees; prescribing penalties and charges for enforcement of this act and providing for certain supplemental effect.

Committee on Judiciary.

By Rep. Holley:

H. 423. Imposing a certain additional per ton fee on operations of commercial sites for the disposal of certain hazardous waste or hazardous substances; providing for the administration of this act including the manner of collection and disposition of such additional fees; prescribing penalties

and charges for enforcement of this act and providing for certain supplemental effect.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 424. To reform the law as it applies to drug prosecutions; to provide a short title; to provide that mixtures containing controlled substances shall be considered controlled substances under certain circumstances; to permit the finding of probable cause on the basis of a qualified person's observations; to permit testimony by qualified persons as to the nature and quantity of controlled substances and to provide for the effect of such testimony; to provide for the effect of proof relating to a random sample of a reasonably homogenous quantity of material; to provide that each unlawful act with regard to controlled substances shall be a separate criminal offense and to provide for the prosecution of unlawful acts which violate provisions relating to controlled substances; to provide that the provisions of this act shall be cumulative; to provide for severability and the effective date.

Committee on Judiciary.

By Rep. Campbell:

H. 425. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

Committee on Local Government.

By Reps. Cosby and Kennedy:

H. 426. To amend Section 16-24-2, Code of Alabama 1975, relating to criteria for continuing service status for teachers, so as to prescribe the criteria for a teacher who after attaining continuing service status leaves said system and later returns to said system.

Committee on Education.

By Reps. Newton, Spratt, and Perdue:

H. 427. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Rogers (With Notice and Proof):

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers:

H. 429. To prohibit any person from obtaining and retaining a pistol for six months or more without registration and to provide for penalties.

Committee on Judiciary.

By Reps. Breedlove, Kvalheim, Blakeney, McMillan, Turner, Warren, Marietta, Kennedy, Payne, Box, Gaston, Harper, and Penry:

H. 430. To amend Section 9-2-14, Code of Alabama 1975, as amended, to provide that the Advisory Board of Conservation and Natural Resources will consist of three ex officio members and eleven members appointed by the governor as follows: one member shall be chosen from each of the Congressional districts in the state, one member shall be an individual whose primary livelihood is dependent upon agriculture, one member shall be an individual whose primary livelihood is dependent upon the forestry industry, one member shall be an individual whose primary livelihood is dependent upon the fishing or seafood industry and one member shall be an individual whose primary livelihood is dependent upon or is involved in wildlife management; to provide that the terms of the present appointive members of the said board will expire on December 31, 1988; to provide for the terms of the appointive members of the said board; and to provide an effective date.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Rogers:

H. 431. To exempt the Alabama Zoological Society, a Not For Profit Corporation, of Birmingham, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Ways and Means.

By Reps. Rogers and Slaughter (With Notice and Proof):

H. 432. To exempt the Alabama Zoological Society, a Not For Profit Corporation, of Birmingham, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 432, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers:

H. 433. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to permit reciprocal agreements by general

statute; to establish the Lottery Trust Fund; to provide for the proceeds; to repeal conflicting provisions; and to set a referendum.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 434. To establish the Alabama Lottery Commission and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Lottery Advisory Committee; to create the office of the commissioner of the Alabama Lottery Commission; to prescribe the powers and duties of the commission and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sales of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; to make an initial appropriation, in the form of a loan, to the Alabama Lottery Commission for implementing the provisions of this act and to prescribe the manner of repayment of such funds; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, the state treasurer and the legislature; to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the commission; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require that contracts be made pursuant to the public bid laws; to require that the commissioner and commission personnel be subject to the Alabama ethics law; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of county or local taxes upon the proceeds of any prize awarded by the state lottery; to provide for state income taxation; to establish the Lottery Trust Fund; to prescribe criminal penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Rep. Rogers:

H. 435. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to permit reciprocal agreements by general statute; to provide for the proceeds; to repeal conflicting provisions; and to set a referendum.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 436. To establish the Alabama Lottery Commission and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Lottery Advisory

Committee; to create the office of the commissioner of the Alabama Lottery Commission; to prescribe the powers and duties of the commission and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sales of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; to make an initial appropriation, in the form of a loan, to the Alabama Lottery Commission for implementing the provisions of this act and to prescribe the manner of repayment of such funds; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, the state treasurer and the legislature; to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the commission; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require that contracts be made pursuant to the public bid laws; to require that the commissioner and commission personnel be subject to the Alabama ethics law; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of county or local taxes upon the proceeds of any prize awarded by the state lottery; to provide for state income taxation; to prescribe criminal penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Reps. Dillard, Seibels, Zoghby, Flowers, Box, Marietta, Kvalheim, McClain, Curry, Wright, Payne, Newton, White (G), Marks, Moon, Grouby, Perdue, Petelos, Hill, Rogers, Knight, Slaughter, Parker, Spratt, Bowling, Hogan, Mathis, Poole, Melton, Crow, Willis, Penry, Clark (W), Turner, Escott, Blakeney, Laird, Butler, McKee, Fuller, Lindsey, Gaston, Turnham, Logan, Headley, Beasley, Hamilton, Mikell, Bryant, Kennedy, Rains, Davis, Beers, Brooks, and Drake:

H. 437. To prohibit smoking in certain public places; to create the "Alabama Clean Indoor Air Act"; and to provide a criminal penalty for violations of this act.

Committee on Judiciary.

By Rep. Harper:

H. 438. To amend sections 16-25-14 and 36-27-16, Code of Alabama 1975, to provide that upon the death of a member of the teachers' or employees' retirement systems who has thirty or more years of creditable membership, but has opted to continue in active service, such member's surviving spouse or other designated beneficiary shall receive an allowance in an amount that would have been payable if the member had retired prior to death under benefits option two, rather than such member's spouse or beneficiary receiving such benefits as would be provided under option three as the law currently provides in such situations.

Committee on Ways and Means.

By Rep. Harper:

H. 439. To make an appropriation from the State General Fund to the Alabama 4-H Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Hall:

H. 440. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease.

Committee on Health.

By Rep. Higginbotham:

H. 441. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Committee on Judiciary.

By Reps. Higginbotham, Laird, Zoghby, and Slaughter:

H. 442. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

Committee on Judiciary.

By Reps. Higginbotham and Box:

H. 443. To provide that any person who willfully or maliciously injures, defaces, removes, destroys or tampers with any highway control device, highway, road or bridge construction warning devices or any fence or any enclosure about any highway, road or bridge construction site shall be guilty of a Class "A" Misdemeanor.

Committee on Judiciary.

By Reps. Higginbotham, Laird, Zoghby, and Slaughter:

H. 444. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

Committee on Judiciary.

By Reps. Higginbotham, Box, Hooper, Holley, McKee, Payne, Flowers, Turnham, and Campbell:

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of directors (the board) to administer the fund and

implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of directors of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

Committee on Judiciary.

By Reps. Box and Higginbotham:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

Committee on Judiciary.

By Reps. Higginbotham, Clark (J), Turnham, Flowers, Butler, Turner, Bowling, Curry, White (L), Carter, Britnell, Fuller, Hooper, Slaughter, McMillan, Warren, White (G), Beers, Willis, Kennedy, Cosby, Dillard, Adams, Frazier, Venable, Headley, Holley, McKee, Payne, Rains, Buskey (JE), Logan, Hill, and Walker:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for wholesale, retail and other misdemeanor and felony criminal penalties; to provide for felony penalties for hard core pornography as defined, material previously adjudged as obscene, and the production of or offer of or agreement to produce obscene materials; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed; to provide that city and county ordinances not in conflict with the substantive provisions of this

act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Committee on Judiciary.

By Reps. Turner, Gray, and Curry:

H. 448. To repeal §§40-1-11 & 12, Code of Alabama 1975, providing for a procedure for payment of taxes under protest and recovery of same. The procedure has been replaced with administrative appeals provisions pertaining to petitions for refund and assessments.

Committee on Ways and Means.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment

may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections and the qualifications of electors in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 449, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ford:

H. 450. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the

prohibited acts provisions of state banking laws; providing penalties for violation of this act.

Committee on Banking.

By Reps. Mathis, Carothers, and Beasley:

H. 451. To exempt the Farm Crisis and Transition Program Commission, its employees and unpaid volunteers, from civil liability for any act done by them in connection with activity in the Farm Crisis Program; to require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

Committee on Judiciary.

By Reps. Breedlove, Layson, Hooper, Walker, McKee, Mikell, Ford, Campbell, Holmes, Buskey (JE), and Venable:

H. 452. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Committee on Ways and Means.

By Reps. Newton, Perdue, Gray, McClain, Rogers, and Davis:

H. 453. To provide that any Class 1, 2 or 3 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1, 2 or 3 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels.

Committee on Local Government.

By Reps. Turner, Gray, Curry, Adams, and Venable:

H. 454. To amend §40-23-7, Code of Alabama 1975, so as to ease compliance therewith by revising the payment schedule to repeal the requirement that payers of large State sales tax liabilities pay on an estimated basis during the period in which the tax liability accrues; to repeal the initial distribution language which is no longer germane; to increase the number of small taxpayers who will be eligible to file quarterly rather than monthly returns; and to make effectiveness contingent upon passage of House Bill ____ in order to replace the anticipated revenue loss.

Committee on Ways and Means.

By Reps. Hill, Hammett, Logan, Zoghby, Petelos, Kvalheim, Dillard, Newman, Slaughter, Haynes, Johnson (RG), Beasley, Breedlove, Headley, Mikell, Escott, Sanderford, Ford, Harvey, and Marietta:

H. 455. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to

provide for the severability of the provisions of this Act; and to provide for an effective date.

Committee on Judiciary.

By Rep. Kvalheim:

H. 456. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Committee on Oil and Gas.

By Reps. Spratt, Newton, Perdue, Hammett, Escott, Cosby, Britnell, Johnson (RW), Fuller, and Kennedy:

H. 457. To amend sections 16-28-3, 16-28-4, 16-28-6, 16-28-7, 16-28-9 and 16-28-11, Code of Alabama 1975, relating to compulsory school attendance, so as to change the ages from seven to five years and from 16 to 18 years.

Committee on Education.

By Reps. Spratt, Perdue, and Escott (With Notice and Proof):

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 458, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turner, Gray, and Curry:

H. 459. To permit the commissioner of revenue to issue, within his discretion, revenue rulings pertaining to interpretation and application of the tax laws administered by the department of revenue.

Committee on Ways and Means.

By Rep. Turner:

H. 460. To amend Sections 40-23-36, 40-23-77, and 40-26-21, Code of Alabama 1975, to establish a uniform discount system for sales tax, use tax, and lodgings tax by conforming use tax discounts to the other taxes, imposing a limit of \$100.00 on the total state discount allowed per tax return filed in compliance with the state sales tax, use tax, and lodgings tax laws; and limits its adoption by a qualifying restriction that requires the passage of two additional designated legislative bills.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 461. To amend Section 11-54-96, Code of Alabama 1975, so as to limit the ad valorem tax exemption for property acquired by an industrial development board for a period of ten years from the date of acquisition of such property by the board.

Committee on Ways and Means.

By Reps. Turner and Curry:

H. 462. Proposing an amendment to the Constitution of Alabama 1901, authorizing each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes for such purpose or purposes and for such period of time as may be specified by the governing body of such county after approval by a majority vote of the qualified electors residing in the county who vote on the proposal; to provide that at least fifty percent of the total number of mills levied by a county pursuant to the provisions hereof must be levied for public school purposes; to provide that proceeds of ad valorem taxes levied by a county pursuant to the provisions of this Amendment for public school purposes shall be apportioned and expended in the same manner as the proceeds from the countywide school tax authorized to be levied by Amendment 3 are apportioned and expended unless the law shall otherwise direct; to provide that the total number of mills that may be levied by any county pursuant to the provisions of this Amendment may not exceed 20 mills on each dollar of the assessed value of taxable property in such county; and to provide that the ad valorem taxes levied pursuant to the provisions of this amendment shall be subject to the limitation on and the provisions for the reduction of ad valorem taxes specified in paragraph (i) of Amendment 373 to the Constitution of Alabama.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Turner:

H. 463. To provide uniform procedures for the department of revenue governing; assessment of taxes, and appeals therefrom; petitions for refund, and appeals therefrom; and the denial, revocation, withdrawal or suspension of a license, bond, certificate of title, or other document required by the department of revenue, and the appeals therefrom.

Committee on Ways and Means.

By Reps. Turner and Gray:

H. 464. To amend Section 40-18-45, Code of Alabama 1975, to amend the time period of assessment and collection of income taxes imposed by Title 40 in those cases where changes to federal income tax pertain to the Alabama income tax return; and provides that adoption is contingent upon the passage of two additional designated legislative bills.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 465. To amend Sections 40-23-1, 40-23-60, 40-12-220, to include computer software into the definitions of "sales" and to define computer

software so that it will be subject to sales tax, use tax, or rental tax, and to make adoption of this bill contingent upon the passage of three additional designated legislative bills.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 466. To amend Section 40-18-19, Code of Alabama 1975, to increase, from \$300.00 to \$600.00, the state personal income tax exemption allowed for each eligible dependent; to amend Section 40-18-27 to adjust the minimum individual taxpayer filing requirements; and to provide that adoption is contingent upon the passage of two additional designated legislative bills.

Committee on Ways and Means.

By Rep. Turner:

H. 467. To amend Section 40-21-53, Code of Alabama 1975, to adjust the payments schedule for the utilities license tax to that of a current payment basis in lieu of the existing arrears basis; and to amend section 40-21-55, Code of Alabama 1975, to provide that the additional payments resulting therefrom are credited to the Alabama Special Educational Trust Fund to offset anticipated losses from House Bill ____ upon which this bill is contingent.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 468. To amend Section 40-18-52, Code of Alabama 1975, to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions, and to amend Section 40-1-33, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue. Section 40-1-33, Code of Alabama 1975, is also amended to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies. Section 40-1-33 and Section 40-18-52 are further amended so as to exclude the orders of the revenue department's administrative law judge from the confidentiality provisions of the revenue code and makes said orders public documents.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 469. To amend §40-18-79, Code of Alabama 1975, providing for refund of excess income tax withholding and overpayment of estimated tax to the individual taxpayer and specifies the accrual of interest due on such refunds.

Committee on Ways and Means.

By Rep. Turner:

H. 470. To amend Section 41-22-20, Code of Alabama, 1975, so as to provide that the same entitlement for judicial review which is granted persons will be extended to the State Department of Revenue when it is the aggrieved

party of an adverse final decision of the revenue department's administrative law judge.

Committee on Ways and Means.

By Reps. Turner, Zoghby, Gray, Curry, Adams, and Venable:

H. 471. Providing for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement and limits adoption by a qualifying restriction that requires the passage of three additional legislative bills.

Committee on Ways and Means.

By Reps. Turner, Zoghby, Gray, Curry, Adams, and Venable:

H. 472. To amend Section 40-23-68, Code of Alabama 1975, to require out-of-state mail-order businesses to collect and report Alabama Use Tax on their sales to Alabama customers and limits adoption by a qualifying restriction that requires the passage of three additional designated legislative bills.

Committee on Ways and Means.

By Reps. Turner and Curry:

H. 473. To amend Section 40-2-11, Code of Alabama 1975, to require the Revenue Department to make regulations for payment of a fee to banks for documents copied and produced and to require banks to disclose all relevant documents in its possession. The procedure for enforcing the obedience to a subpoena issued by the Department of Revenue is clarified. The Department is authorized to obtain an injunction prohibiting a taxpayer from doing business in Alabama for violation of any tax provisions. The Department is authorized to purchase property at a sheriff's sale when such property was levied upon to collect a tax judgment. The Department is authorized to promulgate rules and regulations for all taxes where specific authority is not otherwise given.

Committee on Ways and Means.

By Reps. Turner, Gray, and Curry:

H. 474. To allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

Committee on Ways and Means.

By Rep. Turner:

H. 475. To amend Section 40-29-23 and Section 40-29-26, Code of Alabama 1975, so as to repeal the limitations on the department of revenue to seize and sell property to collect final assessments of taxes due in lieu of levy by a sheriff; to eliminate need to obtain a court order in jeopardy tax assessments; to clarify provisions for sale of seized property; and to clarify procedure for appeals of final assessments by amending Section 40-2-22, Code of Alabama, 1975, to allow a taxpayer to appeal without paying the taxes in full or posting a supersedeas bond if his net worth is less than \$20,000.

Committee on Ways and Means.

By Reps. Turner, Zoghby, Gray, Curry, Adams, and Venable:

H. 476. To amend Sections 40-18-19 and 40-18-20, Code of Alabama 1975, so as to exempt from state individual income tax all payments made under any private pension plan and military retirement programs; to provide for statutory rulemaking authority for departmental administration of the proposed exemption; and to provide for an effective date with the qualifying restriction that three additional designated bills must pass in order to offset the revenue loss from exempting pension income.

Committee on Ways and Means.

By Reps. Turner, Gray, Curry, Adams, and Venable:

H. 477. To amend Section 11-58-14, Code of Alabama 1975, so as to limit the ad valorem tax exemption for property acquired by a medical clinic board for a period of ten years from the date of acquisition of such property by the board.

Committee on Ways and Means.

By Rep. Venable:

H. 478. To amend section 36-9-17, Code of Alabama 1975, relating to filling of vacancies in state and county offices, so as to provide that vacancies shall be filled by appointment of the governor for an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after completion of one year in office.

Committee on Constitution and Elections.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Hall, Butler, Freeman, and Grayson:

H. R. 77. URGING THE MADISON COUNTY COMMISSION AND THE E-911 BOARD TO DELAY LETTING CONTRACT ON NEW BUILDING.

WHEREAS, several questions have arisen pertaining to certain actions of the E-911 Board; and

WHEREAS, a request has recently been made to the Honorable Don Siegelman, Attorney General of the State of Alabama, for an Attorney General's Opinion on these questions; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we humbly urge the Madison County Commission and the E-911 Board to delay any action in the letting of a contract for the construction of a new building until questions are answered by an Opinion of the Attorney General.

BE IT FURTHER RESOLVED, That a copy of this resolution be directed forthwith to the Madison County Commission and E-911 Board.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 77, was adopted.

Also:

By Rep. Ford:

H. J. R. 78. COMMENDING THE BRENLIN GROUP AND ITS SUBSIDIARY, GULF STATES STEEL OF GADSDEN.

WHEREAS, in grateful commendation, the Legislature of Alabama notes the January 1989 opening of the Gulf States Steel Learning Resource Center in Gadsden, Alabama, the first in a series planned by the Brenlin Group, parent company of GSS; and

WHEREAS, the Gadsden facility, which contains both classrooms and laboratory, features computer systems designed to train Gulf States Steel employees in the basics of their company's computer operation, and is the tangible result of the Brenlin Group's commitment to the concept that an educated workforce is vital to the success of business and industry; and

WHEREAS, David Brennan, as chairman and chief executive officer of the Brenlin Group, along with his wife, Ann, are primary supporters and the driving force behind the reality of the group's network of learning resource centers for the Brenlin companies, and the extension of the centers' availability for use by the community; and

WHEREAS, as announced by the Brennans, the Gadsden GSS Learning Resource Center is reserved in the evening hours for use by employees and their families and, during normal school hours, is accessible for use by students in the Gadsden schools; and

WHEREAS, this outstanding contribution to the community is of inordinate benefit to the Gadsden schools in that it greatly expands the system's ability to provide the student population with basic computer training that is vital for success in today's world of escalating technological advancements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Brenlin Group and, most particularly, David and Ann Brennan, for their outstanding contribution of the use of the Gulf States Steel Learning Resource Center by the Gadsden schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. David Brennan, and that a copy also be forwarded to Mr. Jay Gibney, president of Gulf States Steel.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 78, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Rep. Harper:

H. J. R. 79. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sum of \$14,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on October 1, 1989 to be available for appropriation by the Legislature for the fiscal year ending September 30, 1990.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 79, was adopted.

Yeas 86; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

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Nays: Reps. Box, Brooks, Curry, Sanderford and Slaughter.

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H. 281 RESUMED AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 281 as amended:

Amend House Bill 281 as last substituted by deleting pages 13 through 31 in their entirety and by substituting in lieu thereof the new pages 13 through 31 as follows:

“The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of of local boards of education.

7. EDUCATION, STATE BOARD OF-LOCAL BOARDS:

(a) Financial Assistance Program

552,483,514

SOURCE OF FUNDS:

(1) ASETF 552,483,514

Total State Board of Education-Local Boards	552,483,514	552,483,514
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To be distributed by the State Board of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Support Personnel Personal Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave

at the rate of not more than \$17 per day.

- (5) Classroom Instructional
Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code

of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with

this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,737,269

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall

be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired.

(10) Kindergarten Teacher
Units 88,247,463

The above appropriation is for 3,037.04 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$21,968,338. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher

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units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 17,538,225

The above appropriation is for 592.52
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,587. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.69	\$ 2,150,422
I	22,961	328.26	7,537,178
II	19,992	<u>176.57</u>	<u>3,529,987</u>
		592.52	\$13,217,587

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$4,285,976. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$34,662.

- (12) Teacher Units to reduce pupil-
teacher ratio in Grade 1 .. 1,627,795

The above appropriation is for 55.00
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$1,226,736. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	8.03	\$ 196,920
I	22,961	30.58	702,147
II	19,992	<u>16.39</u>	<u>327,669</u>
		55.00	\$1,226,736

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$397,841. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$3,218.

(13) Supportive Teacher

Units 53,545,368

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,785.73 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$40,523,879. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	396.43	\$ 9,721,653
I	22,961	1,019.65	23,412,184
II	19,992	<u>369.65</u>	<u>7,390,042</u>
		1,785.73	\$40,523,879

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$12,917,024. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$104,465.

(14) Special Education Teacher

Units 105,432,037

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$25,317,145.

It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher
Units 8,594,710

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	<u>71.92</u>	<u>1,437,824</u>
		290.00	\$6,480,039

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$2,097,706. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act
87-665 20,280,253

The above appropriation is for 682 teacher units and includes salaries, principal supplement, other current expense and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$15,238,929. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.30	\$ 2,140,858
I	22,961	407.15	9,348,571
II	19,992	<u>187.55</u>	<u>3,749,500</u>
		682.00	\$15,238,929

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$68,200.

For "Other Current Expense" an amount not to exceed \$7,233.47 for each earned teacher unit but the total shall not exceed the sum of \$4,933,227. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$39,897.

(17) Vocational

Education 85,850,571

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$356,500 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

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(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement

(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and

other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

8. PROJECT DARE:

(a) Drug Education Program	200,000
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To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Project DARE	200,000	200,000

9. EDUCATION, STATE BOARD OF-POSTSECONDARY PRISON EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Programs at Clio and Clayton	300,000		300,000
(d) FICA-State Share	300,000		300,000

SOURCE OF FUNDS:

(1) ASETF	7,022,856		
(2) Federal and Local Funds		1,953,165	
Total State Board of Education-Postsecondary Prison Education	7,022,856	1,953,165	8,976,021

(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper,

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Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—95

And the bill, H. 281 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—95

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Spratt would have voted "Yea" on the bill, H. 281, had he been in the Chamber at the time of voting.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution relating to H. B. 164, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey,

Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—86

And the bill:

H. 164. (With Amendment): To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend House Bill 164 on page 1, lines 11 and 22 by deleting "1989" and inserting in lieu thereof "1990".

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper,

Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 164:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 207, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—86

And the bill:

H. 207. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 207 as Introduced on page 1 line 27 after the words "sum of" by striking the word "five" and inserting in lieu thereof the word: seven.

Further amend House Bill 207 on page 1 by deleting line 28 in its entirety and inserting in lieu thereof the following:

hundred fifty thousand dollars (\$750,000)

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—91

And the bill, H. 207 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—92

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 207:

Mr. Speaker, Beers, Biddle, Black, Brooks, Bryant, Bugg, Buskey (JL), Clark (W), Davis, Escott, Gaston, Gray, Grouby, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta,

Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Perdue, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Venable, Walker, Warren, White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 209, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

CO-SPONSOR ADDED

Rep. Holley was added as co-sponsor to the bill, H. 209.

And the bill:

H. 209. (With Amendments): To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 209 on page 1, Section 1, lines 29 through 35, which read ~~“Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state medicaid agency for services relating to scoliosis and spina bifida medical care”~~

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan,

Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 209 as Introduced on page 1 line 26 by deleting the figure "796,520" and inserting in lieu thereof the figure: 1,000,000

Further amend House Bill 209 on page 2 lines 17 and 21 by deleting the figure "17,108,217" and inserting in lieu thereof the figure: 17,311,697

Further amend House Bill 209 on page 2 line 21 by deleting the figure "75,214,263" and inserting in lieu thereof the figure 75,417,743

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

And the bill, H. 209 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner,

Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 188, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 188. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 188 as Introduced on page 1 by deleting lines 25 and 26 in their entirety and inserting in lieu thereof the following:

year ending September 30, 1990, the sum of one million three hundred seventy-one thousand five hundred dollars (\$1,371,500) out of the

Further amend House Bill 188 on page 2 after line 23 by adding the following new language:

(s) Madison Park Hope Center	20,000
(t) Dee Day School-Cherokee County	25,000
(u) Clay County Learning Center-Clay County	25,000
(v) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	39,000
(w) Valley Haven School	25,000

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

AMENDMENT OFFERED

Rep. Britnell offered the following amendment to the bill, H. 188 as amended:

Amend H. B. 188 as last amended on page 1 by deleting lines 25 and 26 in their entirety and inserting in lieu thereof the following:

“year ending September 30, 1990, the sum of one million three hundred and ninety-one thousand five hundred dollars (\$1,391,500) out of the”.

Further amend H. B. 188 as last amended on page 2 after line 23 by adding the following new language:

“(x) Russellville City School for Multi-Handicapped Children 20,000”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

And the bill, H. 188 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 203, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper,

Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—95

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 193, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

And the bill:

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 215, was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—92

And the bill:

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 215:

Amend H. B. 215 Page 1 Lines 24-25 by striking "one million sixty-five thousand nine hundred twenty-one dollars (\$1,065,921)" and substituting "one million one hundred sixty-five thousand nine hundred twenty-one dollars (\$1,165,921)".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

And the bill, H. 215 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 211, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—93

And the bill:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy,

Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—90

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 212, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

And the bill:

H. 212. (With Amendment): To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 212 by deleting line 25 in its entirety and inserting in lieu thereof the following:

the sum of four hundred thousand dollars (\$400,000).

And the amendment was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley,

Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis, Wright and Zoghby.

—92

And the bill, H. 212 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—93

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 212:

Reps. Beasley, Beers, Biddle, Blake, Box, Britnell, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Haynes, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Slaughter, Spratt, Turner, Warren, White (G), White (L), Willis and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 214, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey,

Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 214:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1990, the sum of one million seven hundred twenty-five thousand five hundred and seventy-one dollars (\$1,725,571), out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Emergency Medical Services Program as follows:

- (a) Birmingham Regional Emergency Medical System 266,762
- (b) East Alabama Emergency Medical Services, Inc. 266,762
- (c) North Alabama Emergency Medical Services, Inc. 266,762
- (d) Southeast Alabama Emergency Medical Services Council,
Inc. 266,762
- (e) Southwest Alabama Emergency Medical Services System,
Inc. 266,762
- (f) West Alabama Emergency Medical Services, Inc. 266,761
- (g) Trenholm State Technical College 125,000

Section 2. The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1989-90, an operations plan for fiscal year 1988-89 and an audited financial statement for all operations during fiscal year 1987-88 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1989-90 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

—90

And the bill, H. 214 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 216, was adopted.

Yeas 83; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Fuller, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan,

Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—83

And the bill:

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—93

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 218, was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—92

CO-SPONSOR ADDED

Rep. White (L) was added as co-sponsor to the bill, H. 218.

And the bill:

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—92

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 208, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—87

And the bill:

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis and Zoghby.

—90

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 213, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

H. 213. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year

1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year 1989-90, there is hereby appropriated to the Children's Hospital in Birmingham, Alabama, for the support and maintenance of said program from the Alabama Special Educational Trust Fund, the sum of six hundred thousand dollars (\$600,000).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1989-90, an operations plan for fiscal year 1989-90 and an audited financial statement for all operations during fiscal year 1987-88 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1989-90 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1989.

And the substitute was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

And the bill, H. 213 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 213:

Reps. Beers, Biddle, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry,

Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (G), White (L), Willis, Wright and Zoghby.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER,
Chairman.

And the bill, H. 164 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 205, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 205:

Reps. Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Thomas, Turner, Warren, White (G), White (L), Willis, Wright and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 182, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 182. (With Amendment): To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1990,

and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 182 on page 1, lines 8, 19 and 24, by adding before the word "League" the word:

Alabama

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

And the bill:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers,

Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

MOTION TO TEMPORARILY CARRY OVER

On motion of Rep. Harper, the Budget Isolation Resolution and the bill, H. 234, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 202, was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

CO-SPONSOR ADDED

Rep. White (L) was added as co-sponsor to the bill, H. 202.

And the bill:

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 204, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

Nay: Rep. Haynes.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 234, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (L), Willis, Wright and Zoghby.

—84

And the bill:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990, for educational purposes.

Was taken up.

Rep. Harper offered the following substitute to the bill, H. 234:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Commission on Physical Fitness for the fiscal year ending September 30, 1990, the sum of three hundred ten thousand nine hundred fifty dollars (\$310,950) out of the funds in the Alabama Special Educational Trust Fund.

SECTION 2. The above appropriation is made for educational purposes which shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped and providing for physical educational facilities.

SECTION 3. The Commission on Physical Fitness is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1990.

SECTION 4. This Act shall become effective on October 1, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL),

Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 201, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter,

Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—88

And the bill:

H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—91

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 201:

Reps. Beasley, Beers, Biddle, Blake, Blakeney, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harvey, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 220, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne,

Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—88

And the bill:

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 206, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—90

And the bill:

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—90

Nay: Rep. Haynes.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 191, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—87

And the bill:

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bryant offered the following substitute to the bill, H. 191:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1990, the sum of three million seven hundred thousand dollars (\$3,700,000), out of the funds in the Alabama Special Educational Trust Fund, to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1989.

SUBSTITUTE TABLED

On motion of Rep. Harper, the substitute offered by Rep. Bryant to the bill, H. 191, was tabled.

Yeas 43; Nays 26.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Brooks, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Dillard, Ford, Frazier, Freeman, Gaston, Hall, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Marks, Mathis, McKee, Payne, Rains, Richardson, Sanderford, Turner, Turnham, White (G), White (L), Williams and Willis.

—43

Nays:

Reps. Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Davis, Escott, Flowers, Fuller, Gray, Grayson, Grouby, Hill, Holmes, Kennedy, Marietta, McClain, McDowell, Melton, Perdue, Rogers, Slaughter, Spratt, Thomas, Warren and Zoghby.

—26

SUBSTITUTE OFFERED

Rep. Melton offered the following substitute to the bill, H. 191:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1990, the sum of one million four hundred sixty-three thousand

two hundred nineteen dollars (\$1,463,219), out of the funds in the Alabama Special Educational Trust Fund to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. In addition to the above appropriation, there is also appropriated the sum of two million dollars (\$2,000,000) from the Alabama Special Educational Trust Fund to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Section 3. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 4. This Act shall become effective October 1, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (G), Williams, Willis and Zoghby.

—75

And the bill, H. 191 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford,

**REGULAR SESSION
4th Day**

395

Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—80

Nay: Rep. Haynes.

—1

ADJOURNMENT

On motion of Rep. Harper, the House adjourned until 1:00 o'clock p.m., Tuesday, February 21, 1989.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 16, 1989

The House did not meet today.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 21, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. James Nichols, First Baptist Church, Troy, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mandy Lee, Hollywood, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry,

Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—99

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Ford, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Sanderford, leave of absence was granted for Rep. Brooks.

At the request of Rep. Biddle, leave of absence was granted for Rep. Seibels due to illness.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

TOMMY CARTER,
Chairman.

And the bill, H. 234, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of

Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER,
Chairman.

And the bill, H. 182, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 107. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 338. (With Amendment): To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 37-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 420. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 13. (With Substitute): To amend section 9-11-237 of the Code of Alabama 1975 relating to the sale of game birds or animals or parts thereof, so as to legalize the sale of the hide of any deer that is legally killed or taken in this state.

H. 67. (With Substitute): To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records or purchases of un-manufactured or semimanufactured forest products, so as to increase the penalty for failure to maintain such records.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 374. (With Substitute): To amend section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988) relating to the meetings days of the county boards of registrars so as to authorize Walker County board of registrars to meet an additional 60 days per year.

H. 125. (With Substitute): To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each such commissioner, such term shall expire thirteen days from the day of the general election at which the successor to that office is elected and thereafter such county commissioners shall hold their respective offices for four years, or six years if so provided by local law, beginning on the fourteenth day following their election and until their successors are elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 343. (With Amendment): To amend Section 11-88-6 of the Code of Alabama 1975 so as to cause the Section to contain the provisions it contained prior to the mistaken amendment thereof by Act No. 86-717 of the 1986 Special Session and to increase the permitted compensation of the directors and Chairman.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 415. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks and turkey shoots for fund raising purposes.

H. 334. To propose an amendment to the Constitution of Alabama of 1901, relating to Pickens County, so as to provide for the imposition of an additional \$10.00 in court costs for each case filed in circuit and district courts in Pickens County with the revenue therefrom to be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses; to provide for retroactive effect to April 19, 1982; to provide for the ratification of any fees or costs collected and expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature; and to provide that no further enabling legislation shall be necessary for the execution of this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and

the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and

facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections and the qualification of electors in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 49. SUSTAINING THE SUSPENSION AND DISAPPROVAL OF DEPARTMENT OF PUBLIC HEALTH'S PROPOSED RULE BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

On motion of Rep. Ford, the resolution, H. J. R. 49, was adopted.

Also:

H. J. R. 50. SUSTAINING THE AMENDMENT OF THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW TO THE PROPOSED 1988-1992 STATE HEALTH PLAN.

On motion of Rep. White (L), the resolution, H. J. R. 50, was adopted.

H. 437 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 437, from the Standing Committee on Judiciary to the Standing Committee on Health.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Richardson:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

Committee on Banking.

By Rep. Adams:

H. 480. To validate, ratify and confirm the action of any county governing body in authorizing, adopting, levying, assessing, collecting and en-

forcing any excise, privilege or license tax levied, assessed, collected and enforced on the effective date hereof.

Committee on Judiciary.

By Rep. Johnson (RG):

H. 481. To amend §36-30-20, Code of Alabama 1975, to include revenue enforcement officers to receive benefits in case of job related disability under the Compensation for Death or Disability of Municipal Policemen and State Troopers From Occupational Diseases.

Committee on Ways and Means.

By Reps. McMillan and Clark (W):

H. 482. To amend Section 32-6-3, Code of Alabama 1975, relating to examinations for drivers' licenses, so as to require that certain applicants for drivers' licenses must demonstrate their ability to read and write.

Committee on Education.

By Reps. McMillan, Laird, McKee, Hooper, Curry, Petelos, Dillard, and Kvalheim:

H. 483. To provide an amendment to section 16-25-19, Code of Alabama 1975, so as to further provide for the election of certain members of the Teachers' Retirement System Board of Control.

Committee on Education.

By Rep. Johnson (RG):

H. 484. To amend §36-30-1, Code of Alabama 1975, to include revenue enforcement officers to receive death benefits in case of job related death under the Compensation for Death of Peace Officers and Firemen.

Committee on Ways and Means.

By Rep. Zoghby:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

Committee on Banking.

By Rep. Campbell:

H. 486. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Committee on Ways and Means.

By Rep. Fuller:

H. 487. To provide that bonds hereafter issued, and obligations hereafter assumed, by any water, sewer or fire protection district heretofore or hereafter organized under the provisions of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama, as amended, or Chapter 89 of Title 11 of the Code of Alabama 1975, as amended, may be payable out of any fees and other like revenues derived by such district from the management

by it of any one or more water systems, sewer systems or fire protection facilities owned by any person other than such district, in addition to any revenues out of which such bonds or obligations may be made payable under and pursuant to the provisions of said Act No. 29 or said Chapter 89; to authorize any such district to pledge for payment of any such bonds or obligations any such fees or other like revenues, in addition to any revenues that it may, under said Act No. 29 or said Chapter 89, lawfully pledge for payment of such bonds or obligations; to provide that any such pledge may be included in the resolution authorizing the issuance of such bonds or the assumption of such obligations (as the case may be) or be evidenced by a trust indenture, mortgage and deed of trust or other contract, agreement or instrument executed and delivered by such district in accordance with applicable provisions of said Act No. 29 or said Chapter 89; and to provide that certain bonds heretofore issued, and certain obligations heretofore assumed, by any such district may be payable from, and secured by a pledge of, such management fees or other like revenues.

Committee on Ways and Means.

By Rep. Moon:

H. 488. To amend Act No. 88-600, H. 288, 1988 Regular Session, now appearing as Section 16-25-40, Code of Alabama 1975, which provides for a cost-of-living pay increase for retired educational personnel, so as to provide further for such pay increase.

Committee on Ways and Means.

By Rep. Moon:

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

Committee on Ways and Means.

By Rep. Layson:

H. 490. To provide for the reopening of the Employees' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with the city, county or a political subdivision thereof of the state of Alabama for which they are ineligible to gain service credit; to further provide for termination of the provisions of this act.

Committee on Ways and Means.

By Rep. Campbell:

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

Committee on Oil and Gas.

By Rep. Black (With Notice and Proof):

H. 492. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide

that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-619 of the 1987 Regular Session and Act No. 88-444 of the 1988 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 492, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 493. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session and Act No. 88-442 of the 1988 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 493, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Freeman, Hall, White (L), Fuller, Richardson, Williams, and Moon:

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

Committee on Ways and Means.

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 495. Relating to Colbert County; to authorize the City of Sheffield to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in

operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Coburn:

H. 496. To amend section 34-23-8 of the Code of Alabama 1975, relating to substitution of brand drugs, so as to allow licensed pharmacists to substitute a less expensive pharmaceutically and therapeutically equivalent drug product, unless the practitioner prescribing the drug specifies in his or her own handwriting that the brand name product prescribed is medically necessary.

Committee on Health.

By Rep. Coburn:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

Committee on Ways and Means.

By Rep. Coburn:

H. 498. To provide for a cost-of-living increase to each pensioner, annuitant and retiree of any retirement plan other than the Employees' Retirement System whose retirement is based upon service to an employer participating in the Employees' Retirement System under Section 36-27-6, Code of Alabama 1975, and whose effective date of retirement is prior to October 1, 1987; to provide for a cost-of-living increase to each pensioner whose retirement is based upon service to an employer participating in the Employees' Retirement System under Section 36-27-6, Code of Alabama 1975, but who retired prior to such employer's participation in said System, and who receives a monthly allowance from the Employees' Retirement System; to provide that no person shall be entitled to the increased benefits provided in this act unless his employer elects to come under its provisions; and to provide that the provisions of this act shall be retroactive to October 1, 1988.

Committee on Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 499. To amend Act No. 86-322 so as to alter the boundaries of Conecuh County Commission District 3 and 5; to provide that all elections for the Conecuh County Commission after the 1988 general election shall be conducted using the amended district arrangement; to provide that, for

road construction and maintenance purposes, the amended district arrangement shall take effect immediately; and to repeal all conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 499, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 500, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Venable:

H. 501. To provide that persons previously employed by the Agricultural Extension Service may purchase credit for up to five years for such employment under the Teachers' Retirement System of Alabama.

Committee on Ways and Means.

By Rep. Parker:

H. 502. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Committee on Ways and Means.

By Rep. Harvey:

H. 503. To exempt irrigation equipment used for agricultural purposes from all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Harvey:

H. 504. To authorize any quasi-public or private hospital which was previously a public hospital to give cost-of-living increases to any retiree of the employees' retirement system who was employed by any such hospital when it was a public hospital and who was a member of the employees' retirement system during such employment; and to provide that such cost-of-living increases may be granted from certain foundation or trust funds

established from hospital earnings during the time the hospital was a public facility.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 505. To authorize any Class 4 municipality to adopt a schedule of fines for municipal ordinance violations without the limitations imposed by Rule 20(A) of the Alabama Rules of Judicial Administration.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 506. To provide community services for persons of this state who are mentally retarded, so as to make them productive members of society or to enhance their ability to live and be part of the community; and to reduce the incidence of institutionalization; and to make an appropriation from the general fund.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 507. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may direct the juvenile court referee to perform certain administrative duties and acts in the temporary absence of the juvenile court judge or at any time that the judge determines such action to be necessary to the efficient operation of the court and to provide an effective date.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 508. To reopen the State Employees' Retirement System in order to allow certain employees of the State Highway Department who are active and contributing members of the retirement system or certain former such members to claim and purchase credit for certain previous employment with a county of the state; and to provide a termination date.

Committee on Ways and Means.

By Rep. Layson:

H. 509. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on hazardous waste and hazardous substances disposed of in Pickens County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Logan, Britnell, and Newman (With Notice and Proof):

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the

county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 510, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mikell:

H. 511. To amend Section 8-8-10, Code of Alabama 1975, which relates to the interest paid on judgments for money payment based on contract actions, so as to provide that such judgments shall bear interest at the same rate as prevailing rate paid on a 52 week United States Treasury Bills.

Committee on Judiciary.

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By Rep. Walker:

H. 512. To amend sections 1, 2 and 3 of Act No. 88-599, H. 461, 1988 Regular Session (Acts of 1988, p. 929), now appearing as sections 36-27-80 through 36-27-82, Code of Alabama 1975, providing for a cost-of-living increase to certain retirees who retired under the employees' retirement system prior to October 1, 1987, so as to provide the same increase to those who retired prior to October 1, 1988, and to provide that this amendatory act shall be retroactive to October 1, 1988.

Committee on Ways and Means.

By Reps. Knight, Rains, Biddle, Spratt, Payne, Gray, Wright, Petelos, Beers, Newton, McClain, Curry, Hill, Rogers, Davis, and Escott:

H. 513. To exempt the Charley Boswell Celebrity Golf Classic from paying any state, county or municipal sales or use taxes.

Committee on Ways and Means.

By Reps. McDowell, McClain, and Davis:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Harper and Marietta:

H. 515. To require a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

Committee on Judiciary.

By Rep. Harper:

H. 516. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Beasley (With Notice and Proof):

H. 517. Relating to Henry County, amending Act No. 81-913, H. 7, 1981 First Special Session, which provides for an expense allowance for members of the county commission, so as to provide further for said allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 517, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hill:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were

paid or the source of such funds' providing for the cost of such credited service and providing for the expiration of this act.

Committee on Ways and Means.

By Rep. Hill:

H. 519. To amend Section 35-11-215 of the Code of Alabama 1975, relating to time for filing mechanics and materialmen liens, so as to provide further for the times for filing such liens on new construction.

Committee on Judiciary.

By Reps. Willis, Frazier, Hogan, and McKee:

H. 520. To propose an amendment to the Constitution providing that regular sessions in all even-numbered years shall be limited to subjects pertaining to local legislation and matters of the budgets and to set the duration of said sessions.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Willis:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

Committee on Ways and Means.

By Reps. Richardson, Johnson (RW), Melton, Bugg, Marks, and Dillard:

H. 522. To authorize the establishment of catastrophic sick leave programs by various boards of education on a voluntary basis; to permit employees to donate days; and to provide for uniform rules.

Committee on Ways and Means.

By Rep. Richardson (With Notice and Proof):

H. 523. Relating to Jackson County; authorizing and providing for the incorporation of the Jackson County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Jackson County Water Authority; permitting and authorizing

merger of existing water systems or authorities with Jackson County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, as first priority, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 523, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 524. To amend Section 37-1-80, Code of Alabama 1975, relating to utility rates established by the public service commission, so as to provide further for rates charged by utilities purchasing foreign or out-of-state coal.

Committee on Public Utilities and Transportation.

By Rep. Blakeney:

H. 525. To amend Section 27-1-18 of the Code of Alabama 1975, relating to certain mental health services and benefits covered under certain health or medical expense insurance contracts, so as to provide further for the extent of such coverage and procedures relating to such coverage under such insurance contracts.

Committee on Insurance.

By Rep. McKee:

H. 526. To amend Section 27-21A-1, Code of Alabama 1975, providing for certain definitions relating to health maintenance organizations; to provide investment qualifications, asset valuation methods, nonadmissible assets, and percentage limitations for the investment of the funds of health maintenance organizations; to provide for liabilities to be charged against the admissible assets of the health maintenance organizations; to provide for increased net worth requirements for HMO's; to increase the minimum net worth requirements on a graduated basis for currently licensed health maintenance organizations, to set out the paid-in assets in the determination of financial condition; to require an open enrollment period for the enrollees of an insolvent HMO to choose another insurer for their group health care plan; to increase the statutory deposit requirements; to require all provider contracts be deemed to include a "hold-harmless" clause that the enrollee will not be liable for the unpaid health care expenditures of an HMO in the event of insolvency except for applicable copayments; to require licensed HMO's maintain a cash account, insurance or guaranty to cover the unpaid expenses of an HMO in the event of insolvency and provide for the continuation of benefits for the contract period for which premiums have been paid; to increase the responsibilities and powers of a rehabilitator of an insolvent health maintenance organization; to require an open enrollment period, replacement coverage, and substitute coverage for enrollee of an insolvent health maintenance organization; and to repeal sections 27-21A-11, 27-21A-12 and 27-21A-19, Code of Alabama 1975.

Committee on Health.

By Reps. Spratt, Escott, Perdue, Butler, Hill, Burke, Beers, Dillard, Marks, White (F), Knight, Curry, Logan, Petelos, Sanderford, Wright, McClain, White (G), Gray, Newman, Lindsey, Johnson (RW), Holley, Bowling, Ford, Carter, Harvey, Davis, Higginbotham, Campbell, Kennedy, Clark (W), Poole, Layson, Warren, Thomas, Haynes, Grouby, Mikell, Starkey, Melton, Parker, Venable, Flowers, Johnson (RG), Cosby, Williams, and Blake:

H. 527. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

Committee on Education.

By Rep. Buskey (JL):

H. 528. To propose and provide for the submission of an amendment amending Section 71 of the Constitution of 1901 and repealing Section 73 of the Constitution of 1901, so as to provide further for certain appropriations in the general appropriations bill.

Committee on Ways and Means.

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The above bill was read a first time at length as required by the Constitution.

By Rep. Buskey (JL):

H. 529. To require the state to observe all federal holidays and to authorize three (3) additional days of personal leave so as to keep the total number of state holidays and days of personal leave at the present level of thirteen (13).

Committee on State Administration.

By Reps. Buskey (JL), Holley, Johnson (RW), Parker, Laird, Layson, Newman, Starkey, Mathis, Dillard, Walker, McClain, Fuller, Zoghby, Harper, Holmes, Gaston, Poole, Cosby, Petelos, Haynes, Blake, Ford, Bowling, Beasley, Burke, Harvey, Moon, White (G), Kvalheim, Perdue, Campbell, Kennedy, Crow, Coburn, Turner, Butler, Hogan, Bryant, Williams, Johnson (RG), Richardson, Brooks, Slaughter, Box, White (L), Adams, Carothers, Grayson, Hill, Headley, Hooper, Britnell, Flowers, Marks, Rogers, McDowell, Goodwin, Spratt, Carter, and Venable:

H. 530. To implement House Bill 387 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

Committee on Ways and Means.

By Rep. Beers:

H. 531. To create the Alabama education trust; to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; to provide for a public corporate body and powers; and to repeal conflicting acts.

Committee on Ways and Means.

By Rep. Carothers:

H. 532. To amend Section 6-10-11, Code of Alabama 1975, relating to exemptions in federal bankruptcy so as to make 6-10-6 inapplicable and further define household goods which shall be exempted from the bankruptcy estate of an individual debtor.

Committee on Banking.

By Rep. Beasley:

H. 533. To amend Section 32-5A-7, Code of Alabama 1975, relating to emergency vehicles, so as to exempt any police vehicle operated by a police officer in the surveillance or apprehension of persons charged or suspected of violating any law from the provisions of the section.

Committee on Highway Safety.

By Reps. Beasley, Knight, Crow, Coburn, and Campbell:

H. 534. To repeal Section 11-43-11 of the Code of Alabama 1975, which prohibits employment of municipal officers by corporations holding franchises as to the use of streets of the municipality.

Committee on Local Government.

By Rep. Bugg (With Notice and Proof):

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 535, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Haynes and Coburn:

H. 536. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Petelos and Wright:

H. 537. To amend section 13A-12-231, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

Committee on Judiciary.

By Rep. Hooper:

H. 538. To amend Section 36-27-50, Code of Alabama 1975, relating to temporary legislative employees' participation in the state employees' retirement system and health insurance plan, so as to reopen the employees' retirement system for present employees to purchase certain prior service.

Committee on Ways and Means.

By Rep. White (G):

H. 539. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to

provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

Committee on Local Government.

By Reps. Newton, Escott, and McClain (With Notice and Proof):

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

Committee on Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton, Escott, and McClain (With Notice and Proof):

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 541, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Britnell, Hill, Logan, Marks, Hamilton, Petelos, Wright, Knight, Adams, Slaughter, Johnson (RW), Turnham, Beasley, Carothers, Buskey (JL), Willis, Harper, Clark (J), Box, Zoghby, and Hooper:

H. 542. To provide for the "Alabama Safety Belt Use Act of 1989"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Committee on Highway Safety.

By Reps. Harper and Marietta:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection

Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 544. To provide for a minimum salary for certain probate judges.

Committee on Ways and Means.

By Reps. McMillan, Box, Kvalheim, Zoghby, Harper, Marietta, Gaston, Clark (W), and Penry:

H. 545. To create and establish the Alabama School of Math and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

Committee on Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 547. To create the State Intergovernmental Relations Committee; to state legislative findings and purpose, generally to facilitate understanding between state and local governments; to provide for its membership, terms of office, functions, duties, meetings, hearings, sub-committees, staff, finances, funding and reporting.

Committee on Ways and Means.

By Reps. Petelos and Newton (With Notice and Proof):

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures,

parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Petelos and Newton (With Notice and Proof):

H. 549. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 550. To amend further Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which relates to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes, for the commissions allowed for the collection of such recordation taxes, and for the distribution of such taxes when collected; to establish in the state treasury the "Alabama Conservation and Recreation Land Acquisition Fund" for use to acquire land for certain conservation and recreation purposes; and to create and establish a land acquisition committee.

Committee on Ways and Means.

LEAVE OF ABSENCE

On motion of Rep. White (G), leave of absence was granted for Rep. Slaught.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 80. COMMENDING JOHN R. SIMPSON FOR HIS ROLE IN THE PROPOSED DEVELOPMENT OF AN AQUACULTURE DEVELOPMENT AND EDUCATIONAL CENTER AT GADSDEN STATE

COMMUNITY COLLEGE IN GADSDEN, ALABAMA, AND DESIGNATING SAID CENTER, UPON COMPLETION, AS THE "ALABAMA AQUACULTURE CENTER FOR THE STATE OF ALABAMA."

WHEREAS, aquaculture is the controlled raising of useful animals and plants in confined water environments, and, among the various forms of aquaculture, catfish farming is the largest and fastest growing in the United States; and

WHEREAS, the catfish industry which began in the 1960s, has grown from some 16 million pounds processed in 1975 to a current processing of more than 300 million pounds of catfish, some 12% of which are grown in Alabama; and

WHEREAS, due to climate, water resources, terrain and soil, the Southeastern states will continue to be the center for catfish production and Alabama has the potential to be a leading catfish producer; and

WHEREAS, Dr. John T. Simpson of Gadsden State Community College, perceiving this potential, has proposed and recommended that an aquaculture educational and development center to educate and train prospective and existing catfish farmers be established at Gadsden State Community College which is blessed with an abundant amount of land adjacent to the Coosa River with an existing three-acre pond; and

WHEREAS, the development of model catfish farms on this site would therefore provide a central location in North Alabama for the pursuit by catfish farmers of academic coursework, as well as workshop studies and conferences, with the ponds to be used as laboratories for the latest technology; and

WHEREAS, said center would further provide local Alabama extension agents with a central site in North Alabama for assisting both individual and groups of catfish farmers, and other uses for the facility might include laboratory use by commercial marine fisheries, as well as demonstration purposes for biology courses taught at GSCC, among others; and

WHEREAS, it is estimated that the initial cost to construct, equip and stock such model catfish ponds would be less than \$40,000, an insignificant sum proportionate to the center's benefit to the state, existing and potential catfish farmers, and our educational system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. John T. Simpson for his role in initiating a proposal for the development of an aquaculture development and educational center at Gadsden State Community College.

BE IT FURTHER RESOLVED, That contingent upon completion of the proposed aquaculture center, said facility shall be designated as the Alabama Aquaculture Center for the State of Alabama.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 80, was adopted.

Also:

By Reps. Zoghby, Clark (W), Gaston, Kennedy, Harper, Kvalheim, Penry, McMillan, Turner, Marietta, Box, and Buskey (JE):

H. J. R. 81. CONGRATULATING THE MURPHY HIGH SCHOOL BAND, MOBILE, ALABAMA.

WHEREAS, it is with inordinate pride that the Alabama Legislature congratulates Mobile's Murphy High School Band on their participation, by invitation of the Lord High Mayor of Westminster, in the international competition coordinated by Youth Music for the World in London, England; and

WHEREAS, we further note that this prestigious honor was accorded only seventeen bands from throughout the United States and Murphy's was the only Southeastern band to be included; and

WHEREAS, the Murphy High School Band, which returned January 5, 1989, indeed enjoyed a unique educational experience and other of the event's purposes including an opportunity for cultural growth and understanding, sharing of their love for music with other U. S. and foreign students, and a seldom-received chance for international competition; and

WHEREAS, in praising the band, however, we also commend the enthusiasm and spirit of these talented young musicians who, in positive determination, supplied a significant amount toward the expense of the trip through the sponsorship of car washings, dinners, yard sales and other fund-raising efforts; band parents also pledged a large sum and other financial assistance came from businesses, community organizations and alumni as well as from state and local officials; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in an expression of pride that is shared statewide, we hereby commend the Murphy High School Band of Mobile, Alabama, and its Director, Gregory C. Page, to whom copies of this resolution shall be forwarded for presentation to the band and for appropriate school display.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 81, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 82. COMMENDING BILL TILLMAN OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hall:

H. R. 83. COMMENDING DR. DAVID G. BRONNER FOR OUTSTANDING SERVICE AND PERFORMANCE AS SECRETARY-TREASURER OF THE RETIREMENT SYSTEMS OF ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Penry and McMillan:

H. J. R. 84. NAMING THE NEW BRIDGE ON HIGHWAY 98, OVER MAGNOLIA RIVER, IN BALDWIN COUNTY, ALABAMA, IN HONOR OF THE LATE ROY SPIVEY OF FOLEY, ALABAMA.

WHEREAS, the late Roy Spivey of Foley, Alabama, who died July 4, 1988, had resided in South Baldwin County since 1953, and was the owner of Pine Rest Memorial Park in Foley and Baldwin Memorial Cemetery in Robertsedale, and was active also in real estate development and sales; and

WHEREAS, a native of Troy in Pike County, Alabama, born July 4, 1903, Mr. Spivey was a graduate of Crenshaw County High School and the University of Alabama, and he was a longtime resident of Tuscaloosa where he was active in sales and manufacturing and in community service, having served as a national officer of the Exchange Clubs of America and through involvement in United Way, the Tuscaloosa Exchange Club and other area affairs; and

WHEREAS, upon moving to South Baldwin County, Mr. Spivey purchased Pine Rest Memorial Park, a sadly neglected rural burial ground that, under his direction and care, was renovated and transformed into a beautiful and dignified place of burial that is an asset to the Baldwin County community; and

WHEREAS, Mr. Spivey, who held every office in the Association of Alabama Cemeteries, also served the community through activities with the Boy Scouts, Cub Scouts, the First Baptist Church of Foley, the Foley Rotary Club, and United Way, among others; and

WHEREAS, he further was recognized as an honorary member of the board of directors of United Way and was the recipient of Rotary's Paul Harris Fellowship award and the Free Enterprise Person of the Year award by the Chamber of Commerce; and

WHEREAS, Roy Spivey was indeed a distinguished citizen and outstanding community leader in the South Baldwin County area and, in gratitude for his many deeds of service, it is entirely fitting and proper that his memory be forever perpetuated in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of Roy Spivey of Foley, Alabama, we hereby name and designate the new bridge on Highway 98, at County Road 55, which spans the headwaters of the Magnolia River and which is located at the west entrance of Pine Rest Memorial Park, as the "Roy Spivey Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers, so designating the "Roy Spivey Bridge."

RESOLVED FURTHER, That the family of the late Roy Spivey shall be provided with a copy of this commemorative designation of the Alabama Legislature.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Rep. Holmes:

H. J. R. 85. DIRECTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO REMOVE THE CONFEDERATE FLAG FROM ATOP THE CAPITOL DOME.

WHEREAS, the presence of the Confederate Flag atop Alabama's State Capitol is a continuing source of great distress to a large segment of our population who consider the flag to be a symbol of slavery and oppression; and

WHEREAS, the continued display of this flag over the Capitol also causes irreparable harm to the image of our state and is a deterrent to the location of new industries in Alabama; and

WHEREAS, it is our consensus that the Civil War which ended in 1865, and its divisive symbols, belong to the past—not to the present when Alabamians from all walks of life must join in a common mission of good for the state and all citizens thereof; and

WHEREAS, there are those who contend that the Confederate Flag is but the emblem of an historic event, and to those who are sincere in this belief, we submit that the flag would be more appropriately placed atop the First White House of the Confederacy, the home of Jefferson Davis, president of the Confederate States of America during the period in which Montgomery served as the Capitol of the Confederacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Service Division of the State Finance Department to remove the Confederate Flag from above the Capitol, and to place it instead above or on the lawn of the First White House of the Confederacy which serves as a museum for memorabilia and other reminders of this period in history.

BE IT FURTHER RESOLVED, That in advisement of this directive of the legislature, a copy of this resolution shall be forwarded forthwith to the Service Division of the State Finance Department.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes moved to suspend the rules and adopt the resolution, H. J. R. 85.

DIVISION OF QUESTION

Rep. Turner called for a division of the question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion of Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 85, and the motion was lost.

Yeas 21; Nays 74.

Yeas:

Reps. Black, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Coburn, Davis, Escott, Holmes, Kennedy, Marietta, McClain, McDowell, Melton, Newton, Perdue, Rogers, Spratt, Thomas and Zoghby.

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Nays:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Burke, Butler, Campbell, Carothers, Carter, Cosby, Crow,

Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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The resolution, H. J. R. 85, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 75. INVITING THE CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF ALABAMA TO ADDRESS A JOINT SESSION OF THE LEGISLATURE OF THE STATE OF ALABAMA ON THE STATE OF THE ALABAMA JUDICIARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 78. COMMENDING THE BRENLIN GROUP AND ITS SUBSIDIARY, GULF STATES STEEL OF GADSDEN.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 86. COMMENDING ROBERT E. WATERS FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Perdue:

H. J. R. 87. COMMENDING COLUMBUS JAMES HASBERRY FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

WHEREAS, Columbus James Hasberry of Birmingham, Alabama, holds the B.A. degree from Miles College and the Master of Education degree and AA certification from the University of Montevello; he is a former physical education instructor at Center State and Glenn High Schools and former principal of Sherman Heights and Finley Avenue Schools; and

WHEREAS, in August 1976, Mr. Hasberry joined Birmingham's Norwood Elementary School as principal, and immediately began a reorganization of the school's rules and regulations, curriculum, skills programs and faculty responsibilities with the result that the school received accreditation in October 1976 by the Southern Association of Colleges and Schools; and

WHEREAS, under Mr. Hasberry's skilled leadership, the Norwood Elementary School students' achievements have greatly accelerated and their progress can be attributed in great measure to the programs, services and learning experiences initiated by their dedicated principal; and

WHEREAS, among the many new developments at Norwood are a tutoring program, Student Management Program and American Education Program; educational and cultural experiences, including field trips and enrichment programs, were initiated as well as an improved physical education program, a reorganized PTA and a Homeroom Mothers Program; and a summer reading program was developed, along with math, science, art and social studies fairs; and

WHEREAS, the staff and faculty at Norwood also have been enlarged, competitive skills tournaments have been developed and Norwood has continued to grow and develop with the establishment of a primary choir, marching and concert bands as well as other innovative programs and services; and

WHEREAS, Mr. Hasberry today is the capable administrator of a much larger school, both in physical size and level of accomplishment, and in recognition and gratitude to Columbus James Hasberry, an appreciation program is being held March 9, 1989; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with faculty, staff, students, parents and community, we hereby most highly commend Principal Columbus J. Hasberry for outstanding contributions to Norwood Elementary School.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Mr. Hasberry on March 9, 1989.

On motion of Rep. Perdue, the rules were suspended and the resolution, H. J. R. 87, was adopted.

Also:

By Rep. Turner:

H. J. R. 88. COMMENDING TOMMY ODOM OF CITRONELLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, since the onset of his teaching career in 1974, Tommy Odom of Citronelle High School has worked with more than 1400 agribusiness and FFA students who, among them, have won over 40 county contests in such categories as forestry, livestock judging, land judging, public speaking,

agricultural mechanics and building construction; 55 district and state banners; and 15 state, regional and national proficiency awards; and

WHEREAS, since 1982, when the Southwest District organized district officer elections, CHS FFA students have served as president for three of these seven years, as treasurer three times and once as secretary; and

WHEREAS, also from CHS, there are those students who have served in state office as secretary, president and reporter, and as Alabama's candidate for National FFA office; and

WHEREAS, further, two Citronelle High School FFA members have received the Future Farmer of the Year award, Alabama's highest FFA honor; over 70 have been named State Farmers, the highest degree possible in Alabama; three students have been named American Farmer, the highest degree awarded members by National FFA; and, for five consecutive years, Citronelle High School students have received awards or degrees at the national level in Kansas City, Missouri; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Tommy Odom of Citronelle High School for outstanding achievement, and do further direct that he receive a copy of this resolution of sincere praise and regard.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 88, was adopted.

Also:

By Rep. Turner:

H. J. R. 89. COMMENDING MARK NELSON CRADDOCK FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

WHEREAS, Mark Nelson Craddock of Citronelle, Alabama, is a graduate of Sumter Academy in York, Alabama; he attended Livingston University and graduated from Jefferson State Junior College with the Associate of Applied Science degree in funeral service education; and

WHEREAS, as a student and since completing his education, Mr. Craddock has been continuously engaged in a professional capacity, serving in various responsible positions in York, Dothan, Birmingham, Hueytown and Butler, Alabama, and in Waynesboro, Mississippi; and

WHEREAS, Mr. Craddock currently serves, and since August 1987, as manager of a Citronelle funeral home, with all associated managerial and supervisory responsibilities, and, since March 1988, has owned and operated a local monument company; and

WHEREAS, in addition to serving as Governor, District III of the Alabama Funeral Directors' Association, Mr. Craddock's activities include Magistrate, Citronelle Municipal Court, and membership in Citronelle United Methodist Church, Administrative Board of Citronelle United Methodist, Citronelle Kiwanis Club, Board of Directors of Citronelle Chamber of Commerce and Citronelle Lodge #636 F. & A.M.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community leadership, we hereby commend

Mark Nelson Craddock of Citronelle, Alabama, to whom a copy of this resolution of highest regard shall be presented.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 89, was adopted.

Also:

By Reps. Turner and Warren:

H. J. R. 90. EXPRESSING OPPOSITION TO THE USE OF FEDERAL MOTOR FUEL TAX INCREASES TO REDUCE THE BUDGET DEFICIT.

WHEREAS, the National Economic Commission is considering proposals for reducing the federal budget deficit; and

WHEREAS, some members of Congress have proposed to significantly increase the federal motor fuel tax as a deficit-reduction measure; and

WHEREAS, such an increase in the federal motor fuel tax is not in the national interest and will create unemployment, depress business activity, increase costs to all Americans by raising the cost of transportation, and will seriously limit the ability of the states to generate badly needed highway revenues; and

WHEREAS, an increase in the federal motor fuel tax would fall disproportionately on the nation's poor, people who use their vehicles in their work, and on citizens living in states where travel distances are greater and alternative transportation is unavailable; and

WHEREAS, higher federal motor fuel taxes would raise domestic transportation costs and make American goods more expensive to produce, and thereby adversely affect the ability of American companies to compete with foreign exporters and in overseas markets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express opposition to any increase in the federal motor fuel tax for deficit reduction and urge the National Economic Commission to find other means of reducing the federal budget deficit which would have a less harmful effect on citizens, business and state governments of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Bush, the National Economic Commission and to members of the Ways and Means Committee of the U.S. House of Representatives and the Senate Finance Committee.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 90, was adopted.

Also:

By Rep. Moon:

H. J. R. 91. MOURNING THE DEATH OF DONALD REX ISOM OF ARAB, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Alabama Legislature records the lamentable death of Donald Rex Isom of Arab, Alabama, on February 3, 1989, at the early age of just 48 years; and

WHEREAS, a 1959 graduate of Arab High School and a member of the school's only undefeated football team, Mr. Isom also served in the Army National Guard and the United States Army Reserve, and was a retired businessman and former automobile and insurance sales executive; and

WHEREAS, Donald Isom was indeed a prominent member of the community, providing municipal leadership since election to the Arab City Council in September 1988, and in which capacity he was instrumental in restructuring the city's solid waste collection to conform to state law; and

WHEREAS, Mr. Isom, a lifelong resident of his community, also assumed a responsible role in activities of charitable and civic nature and had been a member, officer or director in such organizations as Future Farmers of America, Alabama Meat Packers Association, Alabama Cattlemen's Association, AmSouth Bank advisory board, Arab Athletic Boosters Club and the First United Methodist Church of Arab and the church Men's Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his untimely death, we give thanks for the life of Donald Rex Isom of Arab, Alabama, and do further direct that a copy of this resolution be forwarded to his beloved wife, Mrs. Ruth Isom; his son and daughter, Stacey Isom and Michelle King; and to other family members that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Marietta, Kennedy, Zoghby, Box, Clark (W), Buskey (JE), and Gaston:

H. R. 92. HONORING DR. CHARLES TUNSTALL FOR DISTINGUISHED AND DEDICATED SERVICE TO CHURCH, COMMUNITY, STATE AND NATION.

Also:

By Rep. Layson:

H. R. 93. COMMENDING THE REVEREND B. L. ELLIS AND RECOGNIZING THE CONTRIBUTIONS OF HIS CHURCH, NEW HOME BAPTIST, TO THE GORDO COMMUNITY.

Also:

The following resolutions were introduced:

By Reps. Gaston, Kvalheim, Box, Buskey (JE), Kennedy, Marietta, Turner, Zoghby, Harper, and Clark (W):

H. J. R. 94. COMMENDING FREIDA G. MAISEL FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

WHEREAS, the Legislature of Alabama notes in honor and esteem the many outstanding professional accomplishments and community services

rendered by Freida G. Maisel, who has been cited by Gayfers as Outstanding Career Woman of Mobile for 1988; and

WHEREAS, Mrs. Maisel, who is a board member of the Mobile Mental Health Association, also is a member and chairman of the Urban League, a past chairman of the membership drive for the Epilepsy Chapter and serves on the advisory committee of the Mobile Community Organization; and

WHEREAS, she further is a member of the Sisterhoods of Dauphin Street Synagogue and Spring Hill Avenue Temple, and is a member as well of Hadassah, National Council of Jewish Women, Jewish Welfare Board, Jewish Community Center, the Mobile Opera Guild and the Art Patrons' League; and

WHEREAS, Mrs. Maisel, who has been elected to membership in the Committee of 200, an organization of leading women entrepreneurs and corporate executives in the United States and several foreign countries, serves as president and chairman of the board of Gulf Distributing Company; she has served additionally on the board of the Alabama Wholesale Beer and Wine Association and has been recognized with such distinctions as the Miller Master's and the Coor's Golden Awards; and

WHEREAS, a graduate of the University of Alabama with a Master of Science degree, Mrs. Maisel is a former teacher in the Mobile County Public School System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Freida G. Maisel of Mobile, Alabama, for outstanding professional achievement and community leadership, and direct that she receive a copy of this resolution of deep admiration and regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

By Rep. Wright:

H. J. R. 95. COMMENDING WILLIAM T. COE OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the many accomplishments of William T. (Rocky) Coe of Birmingham, Alabama, who has attained the rank of Eagle Scout, Boy Scouts of America, and who also is a member of Scouting's "Order of the Arrow" and serves as Assistant Scoutmaster of his troop, Bayview Troop 103; and

WHEREAS, Rocky Coe, the first member of his troop to make Eagle Scout since the troop was organized in 1937, has participated in Scouting since 1984, and is the son of Mr. and Mrs. James W. Coe; and

WHEREAS, he is a graduate of Minor High School where he held many positions of honor and leadership, and currently attends Bessemer State Technical College where he is studying EMT II; he also is a firefighter with the Mulga Fire Department and is a member of Bayview Baptist Church where he was 1979 Class President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

and congratulate Eagle Scout William T. (Rocky) Coe for outstanding achievement and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with best wishes for every future success in life.

On motion of Rep. Wright, the rules were suspended and the resolution, H. J. R. 95, was adopted.

Also:

By Reps. Hamilton and Marks:

H. J. R. 96. COMMENDING DIANE H. GILBERT OF ATHENS, ALABAMA.

WHEREAS, the Legislature of Alabama notes with highest commendation the lifesaving efforts of Diane H. Gilbert of Athens, Alabama, on December 4, 1988; and

WHEREAS, it was on that date, during services at Riddle's Chapel United Methodist Church, that Mrs. Gilbert, a registered nurse, rushed to the aid of a fellow church member who had suffered complete cardiac arrest; and

WHEREAS, Mrs. Gilbert, who administered mouth-to-mouth resuscitation procedure, and who was assisted by the church pastor administering CPR and another member of the congregation supplying the prescribed rhythm count, was successful in twice restoring the victim's heartbeat before paramedics arrived on the scene; and

WHEREAS, Mrs. Gilbert and her pastor then accompanied the paramedics and continued to aid the victim as he was transported to a nearby hospital; and

WHEREAS, the victim's heart stopped once again en route to the hospital but was again restarted, and medical authorities have credited Mrs. Gilbert and those who assisted her with saving the victim's life; and

WHEREAS, Mrs. Gilbert is indeed to be most highly praised for her actions and for her willingness to become involved, and we are mindful that "Inasmuch as ye have done it unto one of the least of these..."; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Diane H. Gilbert of Athens, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Hamilton, the rules were suspended and the resolution, H. J. R. 96, was adopted.

Also:

By Reps. Hamilton and Marks:

H. J. R. 97. COMMENDING THE REVEREND JOHN CLOTFELTER, PASTOR OF RIDDLE'S CHAPEL UNITED METHODIST CHURCH.

WHEREAS, the Legislature of Alabama notes with highest commendation the lifesaving efforts of the Reverend John Clotfelter, pastor of Riddle's Chapel United Methodist Church, on December 4, 1988; and

WHEREAS, it was on that date, during church services, that the Reverend Clotfelter rushed to the aid of a church member who had suffered complete cardiac arrest; and

WHEREAS, the Reverend Clotfelter, who applied CPR techniques and who was assisted by two members of the congregation, one administering mouth-to-mouth resuscitation and the other supplying the prescribed rhythm count, was successful in twice restoring the victim's heartbeat before paramedics arrived on the scene; and

WHEREAS, the Reverend Clotfelter and one of those assisting them accompanied the paramedics and continued to aid the victim as he was transported to a nearby hospital; and

WHEREAS, the victim's heartbeat stopped once again en route to the hospital but was again restarted, and medical authorities have credited the Reverend Clotfelter and those who assisted him with saving the victim's life; and

WHEREAS, the Reverend Clotfelter is indeed to be most highly praised for his actions and for his willingness to become involved, and we are mindful that "Inasmuch as ye have done it unto one of the least of these. . ."; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend John Clotfelter of Athens, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Hamilton, the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Reps. Hamilton and Marks:

H. J. R. 98. COMMENDING BARRY G. BLACK OF ATHENS, ALABAMA.

WHEREAS, the Legislature of Alabama notes with highest commendation the lifesaving efforts of Barry G. Black on December 4, 1988; and

WHEREAS, it was on that date, during services at Riddle's Chapel United Methodist Church, that Mr. Black rushed to the aid of a fellow church member who had suffered complete cardiac arrest; and

WHEREAS, Mr. Black, who supplied the prescribed rhythm count while another member of the congregation administered mouth-to-mouth resuscitation and the church pastor administered CPR techniques, was successful in helping to twice restore the victim's heartbeat before paramedics arrived on the scene to transport the victim to a nearby hospital; and

WHEREAS, the victim's heart stopped once again en route to the hospital but was again restarted and medical authorities have credited Mr. Black with helping to save the victim's life; and

WHEREAS, Mr. Black is indeed to be most highly praised for his actions and for his willingness to become involved, and we are mindful that "Inasmuch as ye have done it unto one of the least of these. . ."; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Barry G. Black of Athens, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Hamilton, the rules were suspended and the resolution, H. J. R. 98, was adopted.

Also:

By Reps. McClain, White (G), Davis, Payne, Biddle, Wright, Gray, Spratt, Petelos, Hill, Beers, Curry, Rogers, Newton, and Knight:

H. J. R. 99. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAs.

WHEREAS, extension of the steel Voluntary Restraint Arrangements (VRAs) will provide America's steel industry with a necessary, yet measured, defense against conditions abroad that have not changed much since the VRA program was first instituted in 1984 (e.g. foreign producers still receive massive subsidies from their governments, foreign steel markets are still tightly restricted to imports, foreign producers still engage in pervasive "dumping" of steel, and there is still a serious structural imbalance between world steel supply and demand on the order of at least 100 million tons); and

WHEREAS, a five-year extension will give the U.S. Government the time it needs to negotiate an end to these ongoing trade-distorting conditions abroad, and the U.S. cannot "unilaterally disarm" in steel (by terminating the VRAs) until such negotiations have been successfully concluded; and

WHEREAS, VRAs have enabled domestic steel producers to take significant steps to improve their international competitiveness—costs are down 35 percent since 1982, labor productivity is up 40 percent and quality has been greatly improved; and

WHEREAS, despite these competitiveness gains, additional time is needed because (1) the domestic steel industry still lags other major steel-producing countries in such key areas as product yield, energy efficiency and continuous casting rate, (2) continued restructuring and modernization will be extremely expensive, and (3) the industry's underlying economic condition still is fragile because of the enormous losses (\$12 billion) sustained in 1982-86; and

WHEREAS, unlike most of its major foreign competition (which is subsidized), the U.S. steel industry must depend on continued profitability for meeting its future restructuring and modernization goals, and the domestic steel industry's continued profitability will be severely threatened if surges of unfairly traded imports are allowed to resume (in fact, such surges at this time could halt current or future modernization plans in their tracks);

WHEREAS, VRA extension will continue to require annual cash flow commitments from major U.S. steel producers to assure ongoing worker retraining, reinvestment in new plant and equipment, and modernization of operations—which are critical to the domestic economy in general and U.S. steel consumers in particular; and

WHEREAS, the domestic steel industry, and its continued self-help efforts to regain full international competitiveness, are uniquely important to America's national security, industrial base and infrastructure; and

WHEREAS, there is no viable alternative to VRAs, because the only other alternative—a return to massive, and very costly, trade litigation—would cause considerable market disruption that would not be in the best interest of the industry, its domestic customers, the U.S. Government, or our trading partners (many of whom would face imposition of huge penalty duties); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support prompt and effective extension of America's steel VRA program for five years.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional Delegation.

On motion of Rep. McClain, the rules were suspended and the resolution, H. J. R. 99, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. McClain:

H. R. 100. COMMENDING THE REVEREND C. R. SMITH OF THE RILEY COMMUNITY OF BIRMINGHAM, ALABAMA, ON HIS DISTINGUISHED MINISTRY.

Also:

By Rep. McDowell:

H. R. 101. COMMENDING THE CITY OF BESSEMER ON ITS NATIONAL RECOGNITION FOR EXCELLENCE IN COMMUNITY DEVELOPMENT.

Also:

By Reps. Clark (W), Marietta, Buskey (JE), Kennedy, Zoghby, Box, Kvalheim, Gaston, and Turner:

H. R. 102. HONORING THE VIGOR HIGH SCHOOL WOLVES AS THE ESPN 1988-89 NATIONAL HIGH SCHOOL FOOTBALL CHAMPIONS.

Also:

The following resolutions were introduced:

By Reps. Rogers, Escott, Breedlove, Wright, Layson, Hall, Petelos, Curry, Kvalheim, Haynes, Holmes, Davis, Burke, Newton, McClain, Box, Perdue, Thomas, Knight, Johnson (RG), Gray, McDowell, Payne, White (G), Spratt, Goodwin, Newman, Richardson, Ford, Headley, Hill, Beers, Logan, Hooper, Lindsey, Black, Bryant, Clark (W), Hogan, Willis, Beasley, Fuller, Buskey (JL), Buskey (JE), Mathis, and Carothers:

H. J. R. 103. URGING THE UNIVERSITY OF ALABAMA-BIRMINGHAM TO INITIATE VARSITY FOOTBALL AS A PART OF ITS ATHLETIC PROGRAM.

WHEREAS, the University of Alabama-Birmingham, one of our states' major universities, has enjoyed a tremendous success in intercollegiate basketball competition, winning several Sun Belt Conference Titles and participating in a number of NCAA Tournaments; and

WHEREAS, this outstanding record, achieved by the Blazers under Coach Gene Bartow, is even more remarkable considering that UAB basketball competition is only 10 seasons young; and

WHEREAS, there is now a growing desire, statewide, that varsity football on a competitive basis be initiated into UAB's athletic program, and it is the opinion of this body that said university can indeed quickly develop a highly competitive team, drawing from a wealth of talent from throughout Alabama and the Southeast; and

WHEREAS, it is further to be noted that Birmingham, the "Football Capital of the South," is the home of Legion Field with seating capacity for more than 70,000 fans and the residents of the Birmingham area are increasingly voicing their support of a hometown college football team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the University of Alabama-Birmingham to initiate Blazer football for the student body, for the City of Birmingham, and for proponents throughout our state who strongly support varsity football for UAB.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the president and athletic director of the University of Alabama-Birmingham.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Rogers moved to suspend the rules and adopt the resolution, H. J. R. 103.

DIVISION OF QUESTION

Rep. Johnson (RW) called for a division of the question and the call was sustained.

MOTION TO SUSPEND RULES LOST

Rep. Rogers then moved to suspend the rules in order to bring up for immediate consideration the resolution, H. J. R. 103, and said motion was lost, lacking a four-fifths vote.

Yeas 28; Nays 22.

Yeas:

Reps. Beasley, Beers, Box, Breedlove, Bryant, Carter, Curry, Escott, Ford, Goodwin, Gray, Harvey, Logan, Mathis, McClain, McDowell, Newman, Newton, Parker, Payne, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, White (G) and Wright.

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Nays:

Mr. Speaker, Blake, Campbell, Cosby, Dillard, Drake, Flowers, Hamilton, Holley, Johnson (RW), Laird, Layson, Marks, McKee, Melton, Mikell, Moon, Poole, Rains, Turnham, Venable and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the resolution, H. J. R. 103, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Hooper, Holmes, Buskey (JL), Walker, McKee, Flowers and Mikell:

H. J. R. 104. HONORING PHILLIP ALLEN SELLERS, MONTGOMERY'S CITIZEN OF THE YEAR.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the selection of Phillip Allen Sellers as the recipient of the Citizen of the Year award bestowed January 23, 1989, by The Montgomery Advertiser and Alabama Journal in recognition of Mr. Sellers' service to and positive effect upon the City of Montgomery; and

WHEREAS, a native Montgomerian and a graduate of Sidney Lanier High School and Washington and Lee University, Phillip Sellers is a member and vestryman at Saint John's Episcopal Church, and is a successful investment banker who has given generously to the community, not only of his personal wealth but in tireless service and total commitment to the positive achievement and growth of his beloved hometown; and

WHEREAS, from his dedicated support of improved higher education, including his alma mater as well as Sweet Briar and Huntingdon Colleges, to his purposeful advocacy of the needs of the very youngest of our citizens, Phillip Sellers has provided admirable leadership in all matters of community concern and, through such beneficence, has become an exemplar of one who serves, not to seek public praise but to help provide to others the necessities and amenities of life; and

WHEREAS, the almost limitless service activities of Mr. Sellers include the chairmanship of the Alabama Commission on Higher Education; president of United Way, the Montgomery Rotary Club, Montgomery Area Council on Aging, Montgomery Chapter of the National Alliance of Businessmen and Montgomery Area Committee of 100; as well as leadership positions with the Chamber of Commerce, Alabama Shakespeare Festival, Baptist Hospital and Jackson Hospital Foundations, Davis Theatre for the Performing Arts, Montgomery Area Community Foundation, Executive Committee of the YMCA, Montgomery Business Committee for the Arts and One Montgomery, a biracial group dedicated to the improvement of racial harmony on a personal level; and

WHEREAS, there are indeed very few, if any, Montgomery citizens who have not directly benefitted from the generous spirit and good works of Phillip Allen Sellers—a distinguished veteran of World War II, a prominent Alabamian, and one of Montgomery's most beloved and dutiful sons—whose total efforts have long been and continue to be dedicated to the good of community, state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding service to others, we hereby commend Montgomery's Citizen of the

Year, Phillip Allen Sellers, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 104, was adopted.

Also:

By Reps. Hooper, Cosby, Flowers, Curry, Gaston, Kvalheim, McKee, Buskey (JL), Mikell, Knight, Gray, Sanderford, Petelos, Beers, Logan, White (G), and Biddle:

H. J. R. 105. CONGRATULATING JACK KEMP ON HIS APPOINTMENT AS SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND URGING THE DESIGNATION OF CERTAIN ALABAMA CITIES AS "ENTERPRISE ZONES."

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates former congressman Jack Kemp of New York on his appointment as Secretary of the Department of Housing and Urban Development (HUD), and on the confirmation of his appointment by the United States Senate; and

WHEREAS, Mr. Kemp, who served with great distinction and as an immensely effective member of Congress, was always a clear, strong voice and faithful champion for a strong national defense, a balanced budget and fiscal responsibility in all areas of government; and

WHEREAS, he further has a long-standing record of support for many programs vital to America's prosperity, and we have always been grateful for his advocacy of such programs as federal urban and rural enterprise zones, homestead ownership, and industrial development among others; and

WHEREAS, thus, so eminently qualified for his new position as Secretary of HUD, Mr. Kemp brings to the job outstanding intelligence and knowledgeability, and the insight necessary to direct the agency to fullest potential, and to expand upon the department's opportunity to best serve the needs and interest of the states and citizens thereof; and

WHEREAS, we do indeed wish Mr. Kemp every success and achievement; we also call his attention to those cities in Alabama that have applied to HUD for designation as enterprise zones, and urge that he initiate appropriate action to achieve said designation for these cities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Secretary Jack Kemp of the United States Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Kemp and that copies also be sent to the members of Alabama's Congressional Delegation.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

By Rep. Harvey:

H. J. R. 106. COMMENDING THE GLENN JONES FAMILY OF BLOUNTSVILLE, ALABAMA, AS "FARM FAMILY OF THE YEAR."

WHEREAS, Glenn and Bonnie Stevenson Jones were married in April 1947 and have since worked together in their farm operation, which began as a poultry business with a stock of 50 baby chickens, growing from that modest start to a substantial 550,000 laying hens in 1982 when the Jones family sold the business; and

WHEREAS, now primarily a beef cattle operation, Glenn and Bonnie with their children, Clay and Lee Ann Jones and Allen and Connie Jones, manage a herd of 400 brood cows, consisting of both purebred and crossbred, which this year produced 385 calves that are on feed through the winter, allowing them to put on three to four hundred pounds more weight per animal before being sold in the spring; and

WHEREAS, another enterprise of the Jones farm is the addition of four broiler houses from which litter is used in the feed ration for the calves, in wintering the brood cows, and as fertilizer for pastures; and

WHEREAS, Glenn Jones, who is a director of the Blount County Cattleman's Association and the Northeast Alabama Cattle Marketing Association, is a deacon of Antioch Missionary Baptist Church and, as are other members of the Jones family, is active in a number of civic and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as "Farm Family of the Year," we hereby most heartily congratulate and commend the Glenn Jones family of Blount County, Alabama, for whom copies of this resolution shall be provided.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

By Reps. Kvalheim, Marietta and Gaston:

H. J. R. 107. COMMENDING WILLIS H. PITTS OF MOBILE, ALABAMA, ON HIS OUTSTANDING CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the 1988 retirement of Willis H. Pitts of Mobile, Alabama, brought to a close a distinguished career of some 24 years in law enforcement and as a valued employee of the Alabama Department of Public Safety; and

WHEREAS, Willis Pitts, a United States Air Force veteran who served on active duty from 1960-1964, was educated in the public schools of Chilton County, at Alabama Christian College, the University of South Alabama, and received the B.S. degree in Sociology from Florence State University; he also completed additional studies in Law Enforcement Management at the University of Virginia, as well as a number of other courses including in-service training with the Department of Public Safety; and

WHEREAS, Sergeant Pitts, in his 24 years with D.P.S., distinguished himself through outstanding performance in a number of areas, including traffic law enforcement, accident investigation and safety instruction, and also represented the department through radio and television appearances and through public appearance presentations to various civic, vocational and educational agencies; and

WHEREAS, in addition to the responsibilities of his profession, Sergeant Pitts further served the community through such activities and service as

American Red Cross Safety Chairman; Sunday School teacher; instructor for Court Referral School; Red Cross first aid instructor; Certified Instructor, Alabama Peace Officers Standards and Training Commission; board member of Southwest Alabama Emergency Medical Services; and as a member of the Alabama State Policeman's Association, Alabama State Trooper Association, Alabama Peace Officers Association and with the Alabama Army National Guard, among other involvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service with the Alabama Department of Public Safety and for contributions to the community, we hereby commend Willis H. Pitts of Mobile, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 107, was adopted.

Also:

By Reps. Kvalheim, Gaston, Box, and Marietta:

H. J. R. 108. COMMENDING MALCOLM R. HOWELL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA.

WHEREAS, prior to his 1988 retirement, Malcolm R. Howell faithfully served the University of South Alabama for 24 years, joining the faculty of the College of Education in 1962 and serving for the past 20 years as Dean of Students; and

WHEREAS, Dr. Howell, who was present at the first faculty meeting held at the University of South Alabama, has indeed distinguished himself through accomplishments on behalf of the University and its students; and

WHEREAS, he was instrumental in the drafting of the constitution for the University of South Alabama Faculty Senate (formerly University Senate) and served as the Senate's first president; he also served as sponsor and advisor for the first Student Government Association, was instrumental in the establishment of the first fraternity at USA and, as Dean of Student Personnel, led the growth of the Student Affairs Division to approximately 90 full time staff members; and

WHEREAS, Dr. Howell, in further professional involvement, is a member of the National and Alabama Education Associations, National Association of Student Personnel Administrators, and a number of other educational and leadership honoraries including Phi Delta Kappa, Kappa Delta Pi, Omicron Delta Kappa, Phi Eta Sigma, Phi Kappa Phi and Alpha Chi; and

WHEREAS, he has contributed additionally through other leadership and official positions of a professional nature, and has served his community through dedicated involvement in numerous church, civic and charitable affairs, receiving the M.O. Beale Scroll of Merit in recognition thereof; and

WHEREAS, Dr. Howell, prior to his association with the University of South Alabama, was a teacher in the Jefferson County School System and was vice principal of Birmingham's Shades Valley High School; he is a graduate of the University of Alabama with the B.S. degree and also holds the M.A. and Ed.D. degrees from Vanderbilt University and the University of Alabama, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the University of South Alabama, to the education field and the community, we hereby commend Malcolm R. Howell of Mobile, Alabama, and do further direct that he receive a copy of this resolution of highest esteem.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 108, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

Also:

By Rep. Flowers:

H. R. 109. CONGRATULATING MR. AND MRS. EUGENE HATTAWAY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Flowers, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (J), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. R. 110. MOURNING THE DEATH OF ANDREW LOVE BOYD OF PIKE COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Rains and Parker:

H. J. R. 111. COMMENDING JILL TATE MITCHEM FOR OUTSTANDING ACHIEVEMENT AND AS ALBERTVILLE'S 1988 "CITIZEN OF THE YEAR."

WHEREAS, in commendation and highest regard, the Legislature of Alabama congratulates Jill Tate Mitchem of Albertville, Alabama, on her selection as Albertville's 1988 "Citizen of the Year," a prestigious designation of the Albertville Chamber of Commerce; and

WHEREAS, Mrs. Mitchem, who was nominated for the award by the American Association of University Women and the Albertville Business and Professional Women's Club, is only the third woman to receive Citizen of the Year honors since the program was initiated in 1964; and

WHEREAS, a paragon of achievement, Mrs. Mitchem has distinguished herself in volunteer service on local, county, state and national levels, and her areas of involvement encompass a myriad of activities including Boy and Girl Scout work; presidency of the Snead State Junior College Alumni Association; PTA involvement in several schools, president of the citywide council and membership in the state PTA; the American Red Cross, Albertville High School Athletic Booster Club, Green Lawn Garden Club and the Marshall County Cooperative Library Board; and she is past president of the Homemakers Club of Albertville; and

WHEREAS, Jill Mitchem has served also on the County Council of Homemakers Clubs; is a March of Dimes volunteer for some 19 years and has served as area chairman; and with her husband and our colleague, Senator Hinton Mitchem, has worked tirelessly to the benefit of retarded citizens, serving as president of the Marshall County ARC and on the Board of Alabama Commission on Physical Fitness for Special Olympics; and

WHEREAS, in an extension of service and involvement, Mrs. Mitchem has acted as a legislative representative for the Marshall County alumni chapter of her alma mater, Auburn University; she further has worked with Dixie League Baseball, the Muscular Dystrophy Association and numerous other charitable fund-raising drives and events, and is an active member of the First Presbyterian Church of Albertville, former president of the Alabama Legislative Club from 1983 to 1987, and a former member of the Alabama Citizens Advisory Board on Drug Abuse; and

WHEREAS, Mrs. Mitchem, who was elected statewide as a voting delegate to the 1988 Democratic National Convention, is a past president of the Albertville Jayceettes and was named most outstanding president in the state; she also was state Jayceettes president (1971-72), was a proponent of a national organization for Jaycee Auxiliaries, served in 1974 as the founding president of the U. S. Jaycee Women, and played an instrumental role in the transition when that organization became a part of the U. S. Jaycees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Jill Tate Mitchem of Albertville, Alabama, 1988 Citizen of the Year, and do further direct that she receive a copy of this resolution that she and her family may know of our warmest personal regard and sincere appreciation of her many significant accomplishments.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 111, was adopted.

Also:

By Reps. Payne, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos,

Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 112. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in great pride and pleasure, the Legislature of Alabama commends Hewitt-Trussville High School, Trussville, Alabama, on its consideration by the U. S. Department of Education for the National Secondary Recognition Program award; and

WHEREAS, we further note that of some 630 schools nationwide originally nominated for this prestigious award, Hewitt-Trussville is among the 264 still competing, and is one of only two Alabama schools under consideration; and

WHEREAS, candidate institutions for this outstanding honor are required to demonstrate effectiveness of their schooling, and must further meet stringent criteria in such areas as leadership, teaching and learning environments, institutional vitality and parental and community support, among other indicators of success; and

WHEREAS, in addition to achievement in the aforementioned areas, Hewitt-Trussville also is subject to an on-site inspection by a department of education evaluation team which will assess the school's adherence to rigid standards of excellence; and

WHEREAS, the accomplishments of Hewitt-Trussville High School, however, cannot be credited to any one particular effort, but instead are indicative of a bonding between administrators, faculty, staff, students, parents and community in a common goal of educational excellence for the youth in the Trussville area of Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in anticipation of the continuance of effective schooling, we hereby commend Hewitt-Trussville High School and do further direct that copies of this resolution be forwarded to Principal Kenneth Abbott for appropriate presentation and school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 112, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 75. INVITING THE CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF ALABAMA TO ADDRESS A JOINT SESSION OF THE LEGISLATURE OF THE STATE OF ALABAMA ON THE STATE OF THE ALABAMA JUDICIARY.

Also:

H. J. R. 78. COMMENDING THE BRENLIN GROUP AND ITS SUBSIDIARY, GULF STATES STEEL OF GADSDEN.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Williams and Blakeney:

H. J. R. 113. COMMENDING JOHN H. MOSELY OF OZARK, ALABAMA'S 1989 SUPERINTENDENT OF THE YEAR.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the designation of John H. Mosely, superintendent of the Ozark City Schools since 1976, as Alabama's Superintendent of the Year for 1989, an honor bestowed by the Alabama Association of School Administrators; and

WHEREAS, Dr. Mosely, who now is under consideration for National Superintendent of the Year, is a graduate of Auburn University where he earned both his bachelor's and Ph.D. degrees, and is a former Carroll High School band director and former administrator at George C. Wallace State Community College; and

WHEREAS, currently chairman of the Alabama Task Force for Technology Education, Dr. Mosely also is vice chairman of the Alabama Public Television Commission and a member of the Dale County Industrial Development Board of the Ozark-Dale County Chamber of Commerce; and

WHEREAS, he is a past president of the Ozark Teachers' Association, Ozark Rotary Club, Ozark Country Club and the Cairns Chapter of the United States Army, and has served as chairman of the board of Southeast Alabama Youth Services, president of Dale County Auburn Club, chairman of the Ozark Civic Center Board and member of the Ozark Planning Commission; and

WHEREAS, further Dr. Mosely is a member of the American and Alabama Associations of School Administrators and the Alabama Council for School Administration and Supervision; and

WHEREAS, Dr. Mosely, who has been selected four times by the Kettering Foundation as a member of the foundation's Academy of Fellows, has taught graduate studies and lectured at the University of Alabama and Troy State University, and also has conducted for a number of musical productions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John H. Mosely of Ozark, Alabama, for outstanding service and contributions in the field of education, and do further express pride in his representation, as Alabama's Superintendent of the Year, in competition for national honors.

BE IT FURTHER RESOLVED, That Dr. Mosely receive a copy of this resolution that he may know of our sincere admiration and regard.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

By Rep. Bugg:

H. J. R. 114. COMMENDING LILLIE JONES FOR OUTSTANDING SERVICE TO THE GADSDEN PUBLIC LIBRARY AND PATRONS.

WHEREAS, Lillie Jones, a native of Gadsden and former resident of Birmingham, has worked for the past 22 years as a clerk with the Gadsden Public Library; and

WHEREAS, in invaluable assistance to both children and adults, Mrs. Jones has worked in the adult division and in both the children's and reference departments of the library and has been highly instrumental in the initiation of a number of programs to expand and enhance the library's impact upon the community; and

WHEREAS, Mrs. Jones, among other contributions, played a major role in the opening of the Alabama City and Carver branch libraries and was the impetus for the initiation of the Dial-A-Story system which the library acquired in 1970; and

WHEREAS, we further note that Mrs. Jones' municipal employment actually predates her association with the library as she worked previously at City Hall for former Mayors Hugh S. Patterson and Leslie L. Gilliland; and

WHEREAS, in addition to the duties and responsibilities of her employment, Mrs. Jones also assumes a leadership role in the community and, most particularly, through activities of Sweet Home United Methodist Church where she has served as a Sunday School teacher, youth counselor and, currently, as chairman of communications; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Gadsden Public Library, its patrons and the community, we hereby most highly commend Lillie Jones, and do further direct that she receive a copy of this resolution of honor and esteem.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 114, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 115. CONGRATULATING MR. AND MRS. THOMAS JEFFERSON KIRKHAM ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

Also:

By Rep. Blakeney:

H. R. 116. CONGRATULATING MR. AND MRS. CHARLES WESLEY HASTY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Blakeney:

H. R. 117. CONGRATULATING MR. AND MRS. GEORGE CROMWELL LYLES ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Harvey:

H. J. R. 118. NAMING THE NEW SOUTHSIDE BRIDGE OVER THE COOSA RIVER JOINING RAINBOW CITY AND SOUTHSIDE, IN ALABAMA, THE "JOE M. FORD BRIDGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new Southside bridge built in 1979, which spans over the Coosa River and joins Rainbow City and Southside, on Alabama State Highway 77, is hereby named and designated as the "Joe M. Ford Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Joe M. Ford Bridge."

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 118, was adopted.

Also:

By Reps. Campbell, Crow, Willis, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby:

H. J. R. 119. MOURNING THE DEATH OF DR. ERNEST STONE, JACKSONVILLE, ALABAMA.

WHEREAS, Dr. Ernest Stone, the twelfth and youngest child of Samuel W. and Belinda McDaniel Stone, was born in Pickens County, Georgia, December 24, 1909; and

WHEREAS, following an early relocation to Sand Mountain, Alabama, he began a long and beneficial career in education with Principal responsibilities at Kilpatrick Junior High School, DeKalb County; and

WHEREAS, Dr. Stone continued in service as Principal of the Crossville High School; Superintendent of DeKalb County School System; Director of Laboratory Schools; Superintendent of Jackson City Schools; in the elected position of chief state school officer, Superintendent of Education; and as the eighth president of Jacksonville State University; and

WHEREAS, Dr. Ernest Stone held a B.S. degree from Jacksonville School Teachers' College, both the B.A. and M.A. degrees from the University of Alabama, studied additionally at Michigan State and Columbia Universities; and received honorary Doctor of Law degrees from Samford University, the University of Alabama and Jacksonville State University; and

WHEREAS, following his tenure as Superintendent of the DeKalb County Schools, Dr. Stone served his country in the United States Navy and began teaching at Jacksonville in 1946; he was granted a leave of absence from Jacksonville Laboratory School and was overwhelmingly elected as State Superintendent of Education in 1967; and

WHEREAS, Dr. Ernest Stone met and married Kathryn (Kitty) Gunn in 1934, and they are the parents of a son, Bill, who attended schools in Jacksonville and was commissioned in the United States Army upon graduation from Jacksonville State University; Dr. and Mrs. Stone have three grandchildren; Staci, 18; Steven Ernest, 16; and Jeffrey, 11; and

WHEREAS, this Legislature previously recognized Dr. Ernest Stone by appropriately naming the Alabama Performing Arts Center Building on the campus of the Jacksonville State University as the Ernest Stone Performing Arts Center and he also has been recognized both nationally and worldwide for achievement and for the dedication of his service to youth; and

WHEREAS, Dr. Stone was inducted into the Alabama Academy of Honor in 1973, to become one of only 100 living Alabamians to be so highly honored; and

WHEREAS, Ernest Stone served his church as deacon and was a 50-year Mason and a Shriner; and

WHEREAS, during his outstanding and exemplary service, in total dedication to the youth of America, Dr. Ernest Stone earned the admiration and respect of this body and of government leaders throughout the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend, Dr. Ernest Stone, on February 7, 1989, and extend our deepest and most heartfelt sympathy to all members of his family and many friends.

BE IT FURTHER RESOLVED, That official copies of this resolution be forwarded to Mrs. Ernest Stone, of Jacksonville, Alabama, and to the State Superintendent of Education, with a copy also provided for permanent and prominent display in the Board Meeting Room of the State Department of Education.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 119, was adopted.

Also:

By Rep. Campbell:

H. R. 120. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 21, 1989, we adjourn to meet again on Thursday, February 23, 1989, at 10:00 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 120, was adopted.

Also:

By Reps. Harper and Marietta:

H. J. R. 121. REQUESTING CONGRESS TO PASS LEGISLATION TO REQUIRE OUT-OF-STATE COMPANIES TO PAY STATE SALES TAX.

WHEREAS, there is pending in the United States Congress a bill by Congressman Jack Brooks of Texas that would require out-of-state mail order companies to pay state sales tax; and

WHEREAS, this piece of legislation has been endorsed by the National Conference of State Legislatures and the National Governors' Association; and

WHEREAS, Alabama loses in excess of \$44 million in state and local sales taxes each year because of sales by out-of-state companies; and

WHEREAS, this is greatly unfair to the local retail merchants of this state and to the people of Alabama; and

WHEREAS, this source of revenue would be very helpful in the current shortfall of state funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do respectfully request the United States Congress to enact legislation sponsored by Congressman Jack Brooks of Texas or similar legislation that would require out-of-state mail order companies to pay state and local sales taxes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to each member of the Alabama Congressional Delegation.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 121, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Regular Session in 1989, be bound separately from any other Special Session in 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Hand, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 4. COMMENDING THE HONORABLE HARRY J. WILTERS, JR., OF BALDWIN COUNTY, ALABAMA.

Also:

By Senators Bedsole and Hand:

S. J. R. 5. MOURNING THE DEATH OF MAURICE W. CASTLE, JR., OF MOBILE, ALABAMA.

Also:

By Senators Bedsole and Cabaniss:

S. J. R. 6. MOURNING THE DEATH OF ROBERT HIDDEN MUDD OF MOBILE, ALABAMA.

Also:

By Senator Bedsole:

S. J. R. 7. HONORING ANNE GRIFFIN WRIGHT, "FIRST LADY OF MOBILE."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Kvalheim, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 5, S. J. R. 6 and S. J. R.

7, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Manley:

S. J. R. 9. COMMENDING THE ALABAMA ASSOCIATION OF SCHOOL BOARDS.

Also:

By Senator Covington:

S. J. R. 13. NAMING THE NEW LIBRARY, OFFICE, AND CLASS-ROOM BUILDING AT GEORGE W. LONG HIGH SCHOOL IN DALE COUNTY, ALABAMA, THE "MARY MARTHA MCCLENDON ADDITION."

Also:

By Senator Covington:

S. J. R. 14. NAMING THE BASEBALL FIELD AT GEORGE W. LONG HIGH SCHOOL IN SKIPPERVILLE IN HONOR OF THE LATE JOHN THOMAS MATHISON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 9, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Carothers, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 13 and S. J. R. 14, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 60, without the Governor's signature and with a suggested Executive Amendment.

Done this 21st day February of, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 60, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 60:

Please amend House Joint Resolution No. 60 by adding on page 4, after the item designated as Number 39, which ends on line 13, the following language:

40. One person to be appointed by the National Federation of Independent Businesses.
41. One person to be appointed by the Alabama Health Care Council.
42. One person to be appointed by the Alabama Republican Council.
43. The Administrator of West Alabama Health Services, Inc.

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 21st day of February, 1989.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution, H. J. R. 60, said Governor's amendment being set out in the above and foregoing Message from the Governor.

And the resolution:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

As amended by the amendment proposed by His Excellency, the Governor, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 8. DESIGNATING THE SECOND WEEK IN OCTOBER 1989, AND ANNUALLY THEREAFTER, "SONGWRITERS AND MUSICIANS

WEEK" IN ALABAMA, AND FURTHER DESIGNATING ALABAMA AS THE "SONGWRITERS AND MUSICIANS STATE."

Also:

By Senator Manley:

S. J. R. 11. SUSTAINING THE SUSPENSION AND DISAPPROVAL OF DEPARTMENT OF PUBLIC HEALTH'S PROPOSED RULE BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 8, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 18. DESIGNATING ACT NO. 81-695, H. 392, REGULAR SESSION, 1981, (ACTS 1981, REGULAR SESSION, P. 1167), CREATING THE DISTINCTIVE LICENSE PLATES FOR THE HANDICAPPED, THE KELLY-NAUGHER ACT.

Also:

By Senators Bennett, Drinkard, Corbett, Goodwin, and Cabaniss:

S. J. R. 19. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAs.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 19, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 22. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY WIMMER OF MOBILE.

Also:

By Senators Foshee, Dial, and Bedford:

S. J. R. 23. NAMING THE BARRON-BRITNELL ACT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Coburn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 23, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Smith (J):

S. J. R. 26. COMMENDING THE REVEREND KIRK MINOR FOR OUTSTANDING SERVICE IN THE AREA OF MENTAL HEALTH.

Also:

By Senators Figures and Bedsole:

S. J. R. 27. CONGRATULATING THE VIGOR HIGH SCHOOL WOLVES ON THE 1988 STATE 6A FOOTBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

On motion of Rep. Freeman, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 26, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Clark (W), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 27, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Foshee, Dial, Preuitt, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 29. MOURNING THE DEATH OF WILLIAM FLYNT NICHOLS OF SYLACAUGA, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep and abiding sorrow, records the death of William Flynt Nichols of Sylacauga, Alabama, on December 13, 1988, at the age of 70 years; and

WHEREAS, a beloved son of Alabama, Bill Nichols was reared and educated in Sylacauga, and earned the B.S. and M.S. degrees from Auburn University where he was an All-Southeastern Conference football player; and

WHEREAS, a veteran of World War II, Bill Nichols was a courageous and gallant soldier who lost a leg in the minefields of Germany and was awarded the Purple Heart and the Bronze Star, among other commendations; and

WHEREAS, during the ensuing years, Mr. Nichols achieved great success in the business world and then, in 1958, was elected to the Alabama House of Representatives; in 1962 he was elected to the Alabama Senate, and to Congress in 1966 where he remained through successive reelection until his death; and

WHEREAS, Congressman Nichols, throughout his exemplary tenure in Congress, worked incessantly to the good of his district, state and nation; his career, though one of many significant accomplishments, was most particularly outstanding in his championship of our nation's military personnel and his untiring efforts toward a strong national defense; and

WHEREAS, Congressman Nichols, a ranking member of the House Armed Services Committee and chairman of its investigations subcommittee, also was the House sponsor of the legislation that became the Goldwater-Nichols Defense Reorganization Act; and

WHEREAS, William Flynt Nichols was indeed an outstanding Alabamian in whom we were justly proud and a distinguished American patriot whose death was a grievous loss to the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we yet remain saddened by the death of William Flynt Nichols of Sylacauga, Alabama, and extend deepest and sincere sympathy to his wife, Carolyn Funderburk Nichols; their children, Memorie Mitchell, Margaret Vlachos and Flynt Nichols; their three grandchildren; and to other family members, for whom copies of this resolution of lament shall be provided.

BE IT FURTHER RESOLVED, That the execution of this resolution be duly recorded; that it be printed in its entirety in the official proceedings

of this body; and that this commemorative page in the Senate Journal be appropriately bordered in time-honored symbol of mourning, and in memory of William Flynt Nichols.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 31. DESIGNATING THE COUNTIES OF COLBERT AND LAUDERDALE, AND THE THIRTEEN CITIES THEREIN, AS "THE SHOALS."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 31, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House.

By Senators Drinkard and Foshee:

S. 78. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Also:

By Senators Dixon and Hale:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary

accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 78. Banking

S. 114. Banking

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators deGraffenried, Barron, Smith (J), Foshee, Drinkard, and Cabaniss:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 73. Banking

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment

to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 197, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 197. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators deGraffenried, Holmes, Hale, Horn, Hand, Langford, Preuitt, Barron, Smith (J), Dial, Foshee, Drinkard, and Cabaniss:

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 74. Banking

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Drinkard:

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Also:

By Senator Langford:

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 67. Banking

S. 141. Banking

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Foshee, Parsons, Barron, Ellis, Corbett, Mitchem, and Goodwin:

S. 207. To allow part time legislative employees who work on a regular basis when the legislature of Alabama is in session to make an additional contribution into the State of Alabama Employees' Retirement System Fund for additional credit towards retirement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 207. Judiciary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Manley:

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 17. Public Utilities and Transportation.

REPORT FILED

Pursuant to Act No. 1218, 1975, Sen. E. C. Foshee, Chairman, and Rep. Bob Harvey, Vice Chairman, submitted the report for the fiscal year 1988 by the Joint Highway Committee, and the report was ordered filed.

BILLS ON THIRD READING

The House proceeded to the consideration of the Regular Calendar.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Cosby, consideration of the Budget Isolation Resolution and the bill, H. 290, was carried over until the thirtieth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution relating to H. B. 264, was adopted.

Yeas 44; Nays 20.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Burke, Butler, Campbell, Carothers, Carter, Cosby, Curry, Dillard, Ford, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harvey, Headley, Hogan, Hooper, Kvalheim, Lindsey, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Richardson, Starkey, Thomas, Turner, Venable, Warren, White (G) and Williams.

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Nays:

Reps. Black, Blakeney, Bryant, Crow, Davis, Freeman, Gray, Hall, Haynes, Holley, Johnson (RG), Laird, McDowell, Payne, Petelos, Poole, Rains, Rogers, Willis and Wright.

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And the bill:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Was taken up.

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 264:

Amend H. B. 264 on page 3, Section 1, line 13 by adding after the word section the following: An additional exemption is granted to persons whose

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sole income is derived from social security benefits. Such persons are exempted from paying any fees as required under this act.

MOTION TO TABLE LOST

The motion offered by Rep. Cosby to table the amendment offered by Rep. Wright was lost.

Yeas 27; Nays 28.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Breedlove, Britnell, Campbell, Carter, Cosby, Dillard, Gaston, Goodwin, Hamilton, Hammett, Hooper, Kvalheim, Marks, Mathis, McKee, Newton, Parker, Perdue, Spratt, Starkey, Turner, White (G) and Zoghby.

—27

Nays:

Reps. Black, Bryant, Bugg, Crow, Curry, Davis, Freeman, Fuller, Gray, Grouby, Hall, Haynes, Hogan, Holley, Johnson (RG), Laird, McClain, Mikell, Moon, Newman, Payne, Petelos, Poole, Rains, Rogers, Venable, Willis and Wright.

—28

The question was again on the adoption of the amendment offered by Rep. Wright to the bill, H. 264.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on February 21, 1989.

H. J. R. 75

H. J. R. 78

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN

Rep. Freeman offered the motion that the House adjourn until 10:00 o'clock a.m., Thursday, February 23, 1989.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 23, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mark Turner, Christian Home Church, Wicksburg, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brooke Jackson, Hamilton Middle School, Hamilton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—99

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Gray, leave of absence was granted for Rep. Seibels.

REPORT FILED

Pursuant to Act No. 87-683, Senator Fred Horn, Co-Chairman, and Representative Taylor Harper, Co-Chairman, submitted the report of the Interim Committee on Finances and Budgets, and the report was ordered filed.

OATH OF OFFICE

The oath of office was administered to Hon. Charles Newton of the Ninetieth District by Judge John Patterson.

LEAVE OF ABSENCE

At the request of Rep. Sanderford, leave of absence was granted for Rep. Grayson.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 4. COMMENDING THE HONORABLE HARRY J. WILTERS, JR., OF BALDWIN COUNTY, ALABAMA.

Also:

S. J. R. 5. MOURNING THE DEATH OF MAURICE W. CASTLE, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 6. MOURNING THE DEATH OF ROBERT HIDDEN MUDD OF MOBILE, ALABAMA.

Also:

S. J. R. 7. HONORING ANNE GRIFFIN WRIGHT, "FIRST LADY OF MOBILE."

Also:

S. J. R. 8. DESIGNATING THE SECOND WEEK IN OCTOBER 1989, AND ANNUALLY THEREAFTER, "SONGWRITERS AND MUSICIANS WEEK" IN ALABAMA, AND FURTHER DESIGNATING ALABAMA AS THE "SONGWRITERS AND MUSICIANS STATE."

Also:

S. J. R. 9. COMMENDING THE ALABAMA ASSOCIATION OF SCHOOL BOARDS.

Also:

S. J. R. 11. SUSTAINING THE SUSPENSION AND DISAPPROVAL OF DEPARTMENT OF PUBLIC HEALTH'S PROPOSED RULE BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

Also:

S. J. R. 13. NAMING THE NEW LIBRARY, OFFICE, AND CLASS-ROOM BUILDING AT GEORGE W. LONG HIGH SCHOOL IN DALE

COUNTY, ALABAMA, THE "MARY MARTHA MCCLENDON ADDITION."

Also:

S. J. R. 14. NAMING THE BASEBALL FIELD AT GEORGE W. LONG HIGH SCHOOL IN SKIPPERVILLE IN HONOR OF THE LATE JOHN THOMAS MATHISON.

Also:

S. J. R. 18. DESIGNATING ACT NO. 81-695, H. 392, REGULAR SESSION, 1981, (ACTS 1981, REGULAR SESSION, P. 1167), CREATING THE DISTINCTIVE LICENSE PLATES FOR THE HANDICAPPED, THE KELLY-NAUGHER ACT.

Also:

S. J. R. 22. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY WIMMER OF MOBILE.

Also:

S. J. R. 23. NAMING THE BARRON-BRITNELL ACT.

Also:

S. J. R. 26. COMMENDING THE REVEREND KIRK MINOR FOR OUTSTANDING SERVICE IN THE AREA OF MENTAL HEALTH.

Also:

S. J. R. 27. CONGRATULATING THE VIGOR HIGH SCHOOL WOLVES ON THE 1988 STATE 6A FOOTBALL CHAMPIONSHIP.

Also:

S. J. R. 29. MOURNING THE DEATH OF WILLIAM FLYNT NICHOLS OF SYLACAUGA, ALABAMA.

Also:

S. J. R. 31. DESIGNATING THE COUNTIES OF COLBERT AND LAUDERDALE, AND THE THIRTEEN CITIES THEREIN, AS "THE SHOALS."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 543. (With Amendment): In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. To further amend Section 23-2-147, Code of Alabama 1975, as amended, relating to the Alabama Toll Road, Bridge and Tunnel Authority and the form, premium yield and procedures, so as to set the rate of yield to the competitive rate at the time the bond issue is formed.

H. 87. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 178. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

H. 267. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for high school seniors up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

H. 288. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to

the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of their taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; so as to increase the fees allowed in said sections from \$2.50 to \$5.00.

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

H. 416. To amend section 12-17-142, Code of Alabama 1975, so as to provide for the terms of office and compensation for Supernumerary Clerks and Registers.

H. 306. To amend Section 40-13-8, Code of Alabama 1975, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

H. 487. To provide that bonds hereafter issued, and obligations hereafter assumed, by any water, sewer or fire protection district heretofore or hereafter organized under the provisions of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama, as amended, or Chapter 89 of Title 11 of the Code of Alabama 1975, as amended, may be payable out of any fees and other like revenues derived by such district from the management by it of any one or more water systems, sewer systems or fire protection facilities owned by any person other than such district, in addition to any revenues out of which such bonds or obligations may be made payable under and pursuant to the provisions of said Act No. 29 or said Chapter 89; to authorize any such district to pledge for payment of any such bonds or obligations any such fees or other like revenues, in addition to any revenues that it may, under said Act No. 29 or said Chapter 89, lawfully pledge for payment of such bonds or obligations; to provide that any such pledge may be included in the resolution authorizing the issuance of such bonds or the assumption of such obligations (as the case may be) or be evidenced by a trust indenture, mortgage and deed of trust or other contract, agreement or instrument executed and delivered by such district in accordance with applicable provisions of said Act No. 29 or said Chapter 89; and to provide that certain bonds heretofore issued, and certain obligations heretofore assumed, by any such district may be payable from, and secured by a pledge of, such management fees or other like revenues.

H. 250. To provide the method by which active tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials of the various counties of this state may elect to participate in

the state employees' retirement system if authorized by a constitutional amendment; to provide the amount of contribution required to purchase credit for previous service; and to provide a time limit within which such election must be made.

H. 251. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system; providing for an election between the state employees' retirement system and a county retirement system, if available; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and to provide that all such officials presently participating in the supernumerary program may continue therein.

The above bill was read a second time at length as required by the Constitution.

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

The above bill was read a second time at length as required by the Constitution.

H. 100. To provide for the reopening of the Employees' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a city, county, or a political subdivision thereof of the State of Alabama for which they are ineligible to gain service credit.

H. 21. To amend Sections 40-7-2, 40-7-19, 40-7-22 and 40-7-31 of the Code of Alabama 1975, relating to procedures for assessment of taxes, so as to change certain deadline dates relating to tax assessment.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 287. (With Substitute): To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State, so as to increase the minimum salaries provided in said Act by \$7,500.00 in each population bracket, to change the designation for the largest population bracket from 135,000 to 120,000, and to provide an effective date at the beginning of such officials' next term of office.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute

and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 147. (With Substitute) (With Amendment): This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 410. Proposing an amendment to the Constitution of Alabama of 1901, relating to authorizing the creation of county water authorities by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

H. 379. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 406. (With Substitute): To amend Section 36-29-2 of the Code of Alabama 1975 to provide further for the membership of the state employees' insurance board.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. To amend Sections 41-4-110, 41-4-411 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of storerooms for storage and distribution of personal property.

H. 82. To authorize the state of Alabama to purchase a blanket bond to cover all notaries public within state government, to provide for the termination of an employee's notary commission upon separation from state government, to require notification, and to relieve the probate judge of certain liability.

H. 321. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Sections 34-37-2, 34-37-3, 34-37-4, 34-37-6, 34-37-8, 34-37-10, Code of Alabama 1975, so as to authorize the board to adopt rules pursuant to the administrative procedures statutes and adopt disciplinary administrative fines and to institute legal proceeding; to provide for a consumer member on the board; to authorize the board to set the compensation of its secretary-treasurer according to state personnel regulations; to provide that state licensing prohibits local entities from also licensing such individuals, it requires certain proof of prior experience for advanced licenses, and requires registration of apprentices, and provides for licensure not later than March 31, 1990, without examination under certain circumstances; to require continuing education by October 1, 1991, and making it a requisite for license renewal after that date; and to eliminate temporary revocable certificates 18 months after passage of this act.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 311. (With Substitute): To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 324. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-23, 34-25-24, 34-25-25, 34-25-28, 34-25-32 and 34-25-36, Code of Alabama 1975, so as to define chairman of the board; reduce board members from 5 to 3 voting members and 2 advisory consultants; provide for employees of the board; transfer all functions, records, equipment, documents, funds and responsibilities of the board to the public safety department; create a polygraph examiners revolving fund in the state treasury; provide purchases will be made pursuant to the state bid law; authorize the board to seek restraining court orders; provide surety bonds of licensees in an amount set by the board; provide for applications for licensure to be made to the board and for fees for out-of-state applicants; authorize the board to issue internship licenses; require changes of address be given in writing to the board; provide for oral examinations of applicants; and authorize the board to revoke and restore licenses.

H. 128. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

H. 132. To amend Sections 11-51-90 and 11-51-93, Code of Alabama, 1975, so as to increase the fee for issuing a license from \$.50 to \$1.00 and to increase the penalty from \$100.00 to \$500.00 for engaging in a business or vocation without a license or for violating the licensing ordinance and to establish an effective date.

H. 133. To amend Section 41-16-21, Code of Alabama 1975, as last amended, relating to certain contracts for which competitive bidding is not required, so as to provide that advertising of the state parks by the department of conservation and natural resources shall be exempt from such bidding requirements.

H. 134. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to the lengths of the terms of state parks concession contracts, so as to provide for an increase in the lengths thereof.

H. 60. To create the Division of Risk Management within the Department of Finance to administer a total insurance program, to reduce costs and minimize losses through appropriate programs and to amend Section 41-16-21, Code of Alabama 1975, relating to competitive bids, so as to include insurance contracts within the provisions of the bid law.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 61. (With Amendment): To amend Sections 41-15-1 through 41-15-6 and 41-15-8, 41-15-9, 41-15-11, Code of Alabama 1975, relating to the State Insurance Fund, so as to provide increased discounts for all insured, establish the office of risk manager, provide further for surveys of insured property and appurtenances, provide for delinquent fees and to repeal Section 41-15-7, Code of Alabama 1975.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 152. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 322. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36 and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 158. To amend Section 37-6-21 of the Code of Alabama 1975 to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Rep. Laird, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 341. (With Amendment): To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make

offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

Rep. Laird, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 404. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of its affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsoleted by these amendments.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 136. (With Substitute): To amend sections 22-21-260 and 22-21-265, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

H. 273. (With Substitute): To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-22-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

H. 313. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 314. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-63, 34-29-69, 34-29-71, 34-29-75, 34-29-77 and 34-29-94, Code of Alabama 1975, so as to add a veterinary technician member to the board and to restrict terms to two consecutive terms of four years; to authorize administrative fines by the board (\$250.00-\$1,000.00) and the institution of legal proceedings by the board; to eliminate temporary licensing after an 18-month period; to eliminate a one-time renewal fee on licenses; to exempt "veterinary interns"; and to allow reinstatement of active licenses for veterinarian technicians upon satisfactory proof of continuing education while on inactive status.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 315. (With Substitute) (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-140, 34-24-142, 34-25-145, 34-24-161 and 34-24-166, Code of Alabama 1975, so as to provide for a consumer member on the board; to provide board members the same per diem and travel allowance as is paid state employees; to require the board to adopt a continuing education program by October 1, 1991; to require the board to perform certain duties and functions transferred to it by Act 81-217, H. 213, 1981 Regular Session; to provide for a national examination of certain applicants; to authorize the board to adopt and collect administrative fines and to institute legal proceedings for disciplinary actions and to provide Class C misdemeanor punishment for unauthorized practice of chiropractic.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 317. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to repeal Section 39-20-3, Code of Alabama 1975, so as to remove reference to the healing arts board (now repealed); to amend Sections 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, Code of Alabama 1975, so as to increase the examination fee; to provide for an original licensure fee and to increase the fee for a temporary emergency permit; to increase the regular licensure fee; to increase the renewal license fee and to provide further for lapses in active licenses and to remove the requirement to publish lists of licensees by the board, except on request for a fee; to provide for a continuing legal education program by October 1, 1991; and to provide for administrative fines and the institution of legal proceedings by the board.

H. 318. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-215, and 34-24-216, Code of Alabama 1975, to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to phase out temporary licenses over as 36-month period; to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

H. 320. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation, to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, that he have no vote in licensure or disciplinary actions, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

H. 323. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-2, 34-14-4, 34-14-5, 34-14-6, 34-14-7, 34-14-9, 34-14-10, 34-14-11, 34-14-30, and 34-14-31, Code of Alabama 1975, so as to prohibit practice of hearing aid dealers during grace period for license renewal; to specify the state board of health shall receive certain lists and statements; to specify the board determines qualifications of applicants for licensure; to remove specific examination subjects and allow a national examination; to require a continuing education program by the board by October 1, 1991; to phase out temporary licenses over an 18-month period; to specify certain disciplinary powers of the state board of health and to authorize administrative fines, and the institution of legal proceedings;

to require a doctor's examination six months prior to hearing aid fitting for persons under age 18; to specify the state board of health's powers of revocation and suspension of licenses; to provide a consumer member of the board; and to authorize the board to adopt rules relating to adequacy of qualifications of applicants for licensure and for their examination.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 325. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to repeal Section 34-24-274 to eliminate certain requirements that the probate judge receive and publish lists of licensees of the board, and to amend Sections 20-2-2, 34-24-251, 34-24-252, 34-24-253, 34-24-254, 34-24-255, 34-24-256, 34-24-257 and 34-24-274, Code of Alabama 1975, so as to add the Board of Podiatry as a certifying board under the controlled substances statute; to require a majority of the board members shall constitute a quorum; to authorize administrative fines and the institution of legal proceedings by the board for disciplinary action; to grant the same per diem and travel allowance to board members as is paid to state employees; to authorize the board to set bonds at \$10,000.00; to provide applicants be at least 19 years of age or such age as the board by rule shall determine; and to authorize separate application and examination fees and nonrefundable reexamination fees be established by the board; and to eliminate the requirement that applicants' examination papers be deposited with the archives and history department; and to provide for nonrefundable reexamination fees.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 327. (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15 and 34-9-41, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; and to reimburse board members' per diem and travel expenses at the same rate paid to state employees.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 328. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-77 and 34-24-336, Code of Alabama 1975, so as to correct a conflict in statutes regarding non-refund of fees by the board; and to adopt a program of continuing medical education by October 1, 1991, and to make successful completion of said program a requisite of license renewal after said date.

H. 440. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease.

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

H. 387. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

The above bill was read a second time at length as required by the Constitution.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 332. (With Substitute): Providing for volunteer fire departments and rescue squad organizations in the state to purchase goods and services offered by the Alabama Correctional Industries Division of the Department of Corrections.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 53. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 394. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 450. (With Amendment): To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 27. (With Substitute): To require the submission to the State Banking Department of certain reports and records of transactions involving United States currency when such reports and records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, to provide for confidentiality in certain instances, to provide for certain exemptions, to provide for the subpoena of said reports and to prescribe certain penalties for violation of this act.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

H. 532. To amend Section 6-10-11, Code of Alabama 1975, relating to exemptions in federal bankruptcy so as to make 6-10-6 inapplicable and further define household goods which shall be exempted from the bankruptcy estate of an individual debtor.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Substitute) (With Amendment): Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

S. 78. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 5. To amend Section 16-25-13.1, Code of Alabama 1975, which provides for the purchase of credit for service at Athens State College and

the state junior colleges, so as to authorize such purchase for certain former employees.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 144. (With Substitute): To provide for continuing education programs for teachers and payment to public colleges and universities within the State of Alabama for tuition costs to provide for repayment for non-completion of courses and to provide for the Alabama Commission on Higher Education to promulgate rules and regulations regarding the application process and the approval and denial of such applications for degree advancement.

H. 81. (With Substitute): To provide for the specific use of funds for instructional supplies as may be appropriated by the Legislature in any given fiscal year, and as may be affected by an official declaration of proration.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 238. (With Amendments): To amend 16-24-5, Code of Alabama, 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 430. (With Substitute): To amend Section 9-2-14, Code of Alabama 1975, as amended, to provide that the Advisory Board of Conservation and Natural Resources will consist of three ex officio members and eleven members appointed by the governor as follows: one member shall be chosen from each of the Congressional districts in the state, one member shall be an individual whose primary livelihood is dependent upon agriculture, one member shall be an individual whose primary livelihood is dependent upon the forestry industry, one member shall be an individual whose primary livelihood is dependent upon the fishing or seafood industry and one member shall be an individual whose primary livelihood is dependent upon or is involved in wildlife management; to provide that the terms of the present appointive members of the said board will expire on December 31, 1988; to provide for the terms of the appointive members of the said board; and to provide an effective date.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 411. Relating to the qualifications for application for registration as a forester and to the annual renewal of licenses of registered foresters;

amending Sections 34-12-4 and 34-12-8 of the Code of Alabama 1975, so as to provide further for qualifications for registration as a forester and to eliminate the three months' grace period in which to renew the forester's license after the expiration thereof on the thirtieth day of September of each year.

H. 148. To prohibit the use of gill, trammel, or fyke nets in the public fresh waters of the State of Alabama; to provide penalties for the violation thereof; and to provide an exception thereto.

Rep. Bryant, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

Rep. Britnell, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 542. To provide for the "Alabama Safety Belt Use Act of 1989"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

H. 398. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

H. 62. To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

H. 153. To amend section 32-5A-110, Code of Alabama 1975, relating to the right-of-way for motor vehicles, so as to provide that a vehicle which approaches an unmarked intersection from a highway which terminates at such intersection shall yield to any other vehicle at any such intersection.

H. 353. To amend Section 37-3-4 of the Code of Alabama 1975, relating to exemptions from certain regulations on motor vehicle carriers, so as to provide further for such exemptions.

H. 533. To amend Section 32-5A-7, Code of Alabama 1975, relating to emergency vehicles, so as to exempt any police vehicle operated by a police officer in the surveillance or apprehension of persons charged or suspected of violating any law from the provisions of the section.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 56. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

H. 101. Relating to Jackson County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official permanent records in Jackson County.

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

H. 282. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

H. 283. Relating to Fayette County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

H. 284. Relating to Fayette County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

H. 492. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-619 of the 1987 Regular Session and Act No. 88-444 of the 1988 Regular Session.

H. 493. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority

for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session and Act No. 88-442 of the 1988 Regular Session.

H. 499. To amend Act No. 86-322 so as to alter the boundaries of Conecuh County Commission District 3 and 5; to provide that all elections for the Conecuh County Commission after the 1988 general election shall be conducted using the amended district arrangement; to provide that, for road construction and maintenance purposes, the amended district arrangement shall take effect immediately; and to repeal all conflicting laws.

H. 509. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on hazardous waste and hazardous substances disposed of in Pickens County.

The above bill was read a second time at length as required by the Constitution.

H. 517. Relating to Henry County, amending Act No. 81-913, H. 7, 1981 First Special Session, which provides for an expense allowance for members of the county commission, so as to provide further for said allowance.

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality,

other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 445. (With Substitute): To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of directors (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of directors of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute

and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 447. (With Substitute) (With Amendment): To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for wholesale, retail and other misdemeanor and felony criminal penalties; to provide for felony penalties for hard core pornography as defined, material previously adjudged as obscene, and the production of or offer of or agreement to produce obscene materials; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed; to provide that city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 480. To validate, ratify and confirm the action of any county governing body in authorizing, adopting, levying, assessing, collecting and enforcing any excise, privilege or license tax levied, assessed, collected and enforced on the effective date hereof.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 515. (With Substitute): To require a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 259. To amend section 10-11-2, Code of Alabama 1975, relating to immunity from civil liability for certain officers of nonprofit corporations, so as to include said officers appointed by mayors.

H. 129. To amend Section 11-47-24, Code of Alabama 1975, which requires defense and indemnity for municipal employees who may be sued for damages arising out of the performance of their official duties; to prescribe that the limits for damages set out in Section 11-93-2, Code of Alabama 1975, shall be applicable to any judgment rendered against such employees.

H. 301. To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order entered at the request of the department, except in cases where good cause not do so is determined by the court or there is an agreement between parties not to have immediate implementation of income withholding, and to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 336. (With Amendment): Relating to the possession of weapons on public school property; to make it a misdemeanor for a person to have in his possession a knife, a razor, brass knuckles, a slingshot or other items having potential for use as a weapon, while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis:

H. 551. To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

Committee on Ways and Means.

By Rep. Mathis:

H. 552. To redefine dealers so that new dealers mean haulers who haul livestock for hire; to change dealers to haulers; to raise permit fees from \$10.00 per year to \$25.00 per year.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Seibels:

H. 553. To amend Section 33-5-13, Code of Alabama 1975, relating to registration certificates for boats and vessels, so as to impose a penalty for late registration.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Haynes:

H. 554. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

Committee on Judiciary.

By Rep. Haynes:

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

Committee on State Administration.

By Rep. Freeman:

H. 556. To amend Sections 41-4-180, 41-4-182, 41-4-184 and 41-4-185 of the Code of Alabama 1975, relating to the state capitol police, so as to remove said police from the auspices of the finance department and to place said police under the auspices of the legislative council, to prescribe additional duties of said capitol police, to transfer all appropriations and equipment to the legislative council, to provide for the wearing of a uniform by the capitol police and to authorize the legislative council to provide certain insurance.

Committee on State Administration.

By Rep. Laird:

H. 557. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Committee on Business and Labor.

By Reps. Gaston, Butler, Zoghby, Dillard, Fuller, Harper, Adams, Penry, Richardson, Sanderford, and Hooper:

H. 558. To amend Section 40-3-20 of the Code of Alabama 1975, relating to publication of notice of valuation of property, so as to provide further for the number of days required for filing objections to such notices.

Committee on State Administration.

By Reps. Beasley, Fuller, Williams, Carothers, Bowling, and Mathis:

H. 559. To regulate the sale of pre-need funeral contracts in this State; to prohibit the use of such pre-need funeral contracts except upon compliance with the provisions hereof; to provide for the depositing of at least 90% of the proceeds received by an issuer (as defined in this act) from a contract purchaser (as defined in this act) to be held in trust; to provide for the issuance by the state superintendent of banks of a certificate of authority to sell pre-need funeral contracts and to provide for renewal of that certificate; to provide for the disposition of funds upon the death of the beneficiary or upon breach of the pre-need funeral contract by the issuer and in certain other events; to provide for the keeping of books and records by issuers pertaining to pre-need funeral contracts; to provide for the establishment of the Pre-need Funeral Contract Board; to provide for the inspection by the state superintendent of banks of such books and records; to provide an effective date; and to prescribe the penalty for violation of this act.

Committee on Health.

By Reps. Mathis and Beasley:

H. 560. Relating to right-of-way boundaries of highways and the regulation of comfort or convenience benches or seating, with or without advertising, so as to provide further therefor; and exemptions.

Committee on State Administration.

By Reps. Hall and Freeman:

H. 561. Relating to emergency telephone boards' services charges; to amend section 11-98-5, Code of Alabama 1975, so as to prohibit any board of commissioners of any emergency telephone district from spending board funds for the purchase or construction of buildings.

Committee on State Administration.

By Rep. Hall:

H. 562. To further provide for the supervision and regulation of the emergency telephone service districts so as to place such board districts under the Public Service Commission and the rate making process; and repeals conflicting laws.

Committee on State Administration.

By Rep. Perdue (With Notice and Proof):

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 563, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
7th Day

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By Reps. Rogers, McClain, and Davis:

H. 564. To make an appropriation from the State General Fund for the support and maintenance of the Fourth Avenue YMCA, in Birmingham, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

Committee on Ways and Means.

By Rep. Holley:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Gaston:

H. 566. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Ways and Means.

By Reps. Mikell and Venable (With Notice and Proof):

H. 567. Relating to Elmore County; providing further for additional costs and charges in all circuit and district court cases, excluding small claims division, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in such fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers:

H. 568. Relating to alcoholic beverages; to authorize a county-wide election or municipal elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

Committee on Local Government.

By Rep. Fuller:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to eliminate the definition of component parts; to require a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate

of title to issue shall be issued a certificate of title which shall contain the word "rebuilt."

Committee on Judiciary.

By Rep. Flowers:

H. 570. To amend Section 32-7-23, Code of Alabama 1975, which relates to uninsured motor vehicle liability insurance policies issued in this state, so as to provide that recovery shall be limited to one policy under this coverage, and to prohibit "stacking" of this coverage by owning several policies.

Committee on Insurance.

By Rep. Harvey:

H. 571. Relating to Blount County and solid waste disposal regulations in the county; authorizing the county commission, by ordinance or ordinances enacted at a public hearing to require any person or party, authority or operator who stores, deposits or dumps solid waste to purchase a license; setting the charge for such license, collection and disposition of funds thereby generated; providing for the publication of licensees, from time to time; providing that the provisions of this act are cumulative except to the extent of any conflict in which event this law shall supersede.

Committee on Judiciary.

By Rep. Harvey:

H. 572. To further regulate solid waste disposal; to provide that any county commission may, by local law, require operators or authorities to purchase a privilege license and to provide the procedures therefor for implementation; to require the county commission to publish, from time to time, a listing of such licensees; and to set limitation of charges authorized.

Committee on Judiciary.

By Rep. Rogers (With Notice and Proof):

H. 573. Relating to any Class I municipality; and to provide that the governing body of any Class I municipality may decide whether such municipality shall come within the purview of Sections 13A-12-1 and 13A-12-2 of the Code of Alabama 1975.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 574. Relating to Jefferson County; authorizing the City Council of the City of Birmingham to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Birmingham on Sunday.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 574, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 575. Relating to Jefferson County; appropriating the proceeds from certain alcoholic beverage tax revenues to the Birmingham Downtown Development Authority.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 575, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Butler, Freeman, and Sanderford (With Notice and Proof):

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McMillan:

H. 579. To amend Section 12-17-140 of the Code of Alabama 1975, relating to supernumerary status of clerks and registers so as to provide further for qualifications for supernumerary status of clerks and registers.

Committee on Ways and Means.

By Reps. Freeman, Bowling, Fuller, Layson, Sanderford, Butler, and Hall:

H. 580. To provide that any rates, rating schedules, or rating manuals for the liability, personal injury protection and collision coverages of a motor vehicle insurance policy submitted to or filed with the Insurance Commissioner shall provide for a reduction in the premium charges, for such coverages when the principal operator on the covered vehicle is an insured person, 55 years of age or older, and has successfully completed a motor vehicle accident prevention course approved by the Department of Public Safety.

Committee on Insurance.

By Rep. Starkey:

H. 581. To amend sections 40-17-31 and 40-9-1(24), Code of Alabama 1975, which levies certain ad valorem taxes and motor fuel taxes in this state, so as to: increase certain aircraft fuel taxes and remove maximum amounts such taxes may accumulate; redefine the meaning of an aircraft "hub operation" for purposes of excluding fuels from said taxes; and to provide other exemptions for fuels used in non-stop international aircraft flights.

Committee on Ways and Means.

By Rep. Starkey:

H. 582. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

Committee on State Administration.

By Rep. McClain (With Notice and Proof):

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hamilton (With Notice and Proof):

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 584, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey:

H. 585. To amend section §2-15-132 prescribing license fees and procedures for appealing adverse orders by increasing the license fee from \$25 to a graduated scale from \$25 to \$250 based upon business done in the year; to amend the appellant procedure in §2-15-132 by requiring the hearing to be held on the certified record instead of de novo; to change expiration dates of dealer licenses from December 31 to October 30; To amend section §2-15-133 setting out bond requirements by increasing the amount of the hand or bond equivalent up to a maximum of \$150,000 based upon business done; To amend section, §2-15-135 authorizing adoption of regulation so as to also authorize adoption of rules for bonds or bond equivalents.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Black:

H. 586. To provide further for warranties on new motor vehicles and to provide for refunds for failure to conform to said warranties.

Committee on State Administration.

By Rep. White (L):

H. 587. To amend Sections 27-1-4 and 27-32-1, Code of Alabama 1975, relating to the Insurance Code, so as to make certain provisions of the Code applicable to trusts established for the purpose of providing insurance for members or beneficiaries thereof.

Committee on Insurance.

By Rep. Hill:

H. 588. To create a district judgeship for the judicial district comprised of Shelby County, effective in 1990; to amend Section 12-17-16 of the Code of Alabama 1975, relating to district judgeships so as to provide further for such judgeship in the Eighteenth Judicial Circuit.

Committee on Ways and Means.

By Rep. Penry:

H. 589. To further provide for exemptions from ad valorem taxation, so as to include the property of shrimpers used in their trade; and to amend Section 40-9-1, Code of Alabama 1975, as amended, relating to ad valorem exemptions.

Committee on Ways and Means.

By Reps. Venable and Campbell:

H. 590. To amend Sections 17-16-6, 17-16A-1, 17-16A-3 and 17-16A-6, Code of Alabama 1975, relating to political party primary elections and presidential preference primary elections, so as to provide that presidential preference primaries shall be held at the same time as primary elections in

years in which a President is to be elected and to provide that delegates to the national conventions may be elected at the runoff primary elections; and to provide further for presidential preference primary elections.

Committee on Constitution and Elections.

By Rep. White (L):

H. 591. To provide for the publishing of the annual annotated cumulative supplements and other upkeep services to the Code of Alabama 1975, and any subsequent editions, and for the sale of any said Code and such upkeep services, under the supervision and direction of the Legislative Council; and to authorize the Governor, from time to time, to enter into a contract for the performance of such services.

Committee on State Administration.

By Rep. Holley:

H. 592. To amend Section 37-6-3(10) of the Code of Alabama 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Johnson (RG) and Laird:

H. 593. To further provide for the boundaries of real estate, so as to make the removal or destruction of certain boundary markers, monuments and posts, or other legally erected permanent landmarks, or substitutes therefor, to designate boundaries, a misdemeanor crime; to provide for criminal penalties; and to prescribe that the provisions of this act are cumulative.

Committee on Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Hall:

H. R. 122. BOARDS OF E-911 EMERGENCY TELEPHONE SERVICES URGED TO CEASE AND DESIST FROM COLLECTING NEW REVENUES UNTIL A COMPREHENSIVE PLAN ON EXPENDITURES OF CURRENT ESCROW FUNDS IS MADE PUBLIC.

WHEREAS, the Attorney General of the State of Alabama has issued an opinion ruling against certain boards of E-911 emergency telephone services spending new revenues for building; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the Legislature directs these said E-911 boards, affected by the said opinion of the Attorney General, to cease and desist from any further collections of the said new revenues and that such suspension shall continue until current escrow funds are depleted and a comprehensive plan on expenditures is made public.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the Attorney General and to each E-911 board affected by the opinion of the Attorney General which ruled against the expenditure of such funds for building.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 122, was adopted.

Also:

By Rep. Hall:

H. R. 123. REQUESTING HUNTSVILLE AND MADISON COUNTY TO REMOVE AND REPLACE PRESENT MEMBERS OF E911 BOARD.

WHEREAS, a recent opinion of the attorney general of this state ruled that certain new revenues should not be spent by certain E911 board members in Madison County and Huntsville; and

WHEREAS, this legislature wishes to replace current board members with prudent board members; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we hereby strongly urge the governing bodies of Madison County and the City of Huntsville to remove the current members on their E911 boards and replace them with members who will operate according to laws and attorney general's opinions.

RESOLVED FURTHER, That a copy of this resolution be sent to the governing bodies of the City of Huntsville and of Madison County.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 123, was adopted.

REPORT FILED

Pursuant to Act 79-550, Act 80-443, Act 81-449, Act 82-379, Act 84-711, Act 85-566, Act 86-526, Act 87-462 and Act 88-464, Rep. Nelson R. Starkey, Jr., Chairman, submitted the report of the Alabama Interim Legislative Committee on Municipal Government in Alabama, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R.124. COMMENDING LISA DELAINE DICKMANN OF SPRINGVILLE, ALABAMA, "MISS LOGAN MARTIN."

WHEREAS, in sentiment of commendation and esteem, the Legislature of Alabama congratulates Lisa Delaine Dickmann of Springville, Alabama, as Miss Logan Martin and Pell City's representative to the Miss Alabama Pageant to be held in June 1989; pageant competition sponsored by the Greater Pell City Chamber of Commerce; and

WHEREAS, the twenty-one-year-old daughter of Mr. and Mrs. Wesley Dickmann, Lisa is a junior at UAB, majoring in elementary education; and

WHEREAS, Miss Dickmann, former "Miss St. Clair County," has performed in six Miss Alabama preliminary pageants, and, in addition to her studies at UAB, is an after school-care teacher at Creative Montessori School working with children ages one to six; and

WHEREAS, Lisa Delaine is indeed a very talented young lady and an excellent student; she also is a member of New Hope Baptist Church in Eden where she sings in the choir and conducts Bible study for grades one to three; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Lisa Delaine Dickmann of Springville, Alabama, for outstanding achievement and as "Miss Logan Martin," and do further direct that she receive a copy of this resolution, executed in sincere praise of her many accomplishments and with best wishes for every future success in life.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

By Rep. Laird:

H. J. R. 125. COMMENDING AL GRIFFIN OF LINEVILLE HIGH SCHOOL FFA FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with utmost pleasure the selection of Al Griffin of Lineville High School FFA as the top FFA member in the national forestry management proficiency award contest held during the November 1988 National FFA Convention in Kansas City, Missouri; and

WHEREAS, Al Griffin, who first became eligible for the national contest after winning the regional proficiency award, competed for the national individual award against the three other FFA regional proficiency award winners and, as the recipient of top honors, will travel to Europe with the other twenty-eight FFA individual national winners from across the country; and

WHEREAS, we further note that Al was a member of the Lineville FFA national award-winning forestry team prior to winning the regional proficiency award but, due to time conflicts between the various contests in Kansas City, was unable to compete in both team and individual events; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Al Griffin of the Lineville High School FFA and direct that he receive a copy of this resolution of highest personal regard.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 125, was adopted.

Also:

By Rep. Laird:

H. J. R. 126. COMMENDING THE LINEVILLE HIGH SCHOOL FFA FORESTRY TEAM.

WHEREAS, it is with inordinate pride that the Legislature of Alabama notes the top national honors awarded to the Forestry Team of Lineville High School FFA in November 1988, during the National FFA Convention in Kansas City, Missouri; and

WHEREAS, team members from Lineville—Eddie Duke, Brannon McDonald and David Price—became eligible for national competition following first place awards on the county, district and state levels; and

WHEREAS, Alabama's top forestry team from Lineville High School then competed against finalists from 29 other states and, as the best in the nation, became the first Alabama team in the history of the contest to win the national award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Eddie Duke, Brannon McDonald and David Price, the forestry team members of Lineville High School FFA, for outstanding achievement, and do further direct that they receive a copy of this resolution of highest esteem.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 126, was adopted.

Also:

By Rep. Laird:

H. J. R. 127. COMMENDING LAMAR DEWBERRY OF LINEVILLE HIGH SCHOOL FOR DISTINGUISHED RECOGNITION BY NATIONAL FFA.

WHEREAS, the Legislature of Alabama most heartily congratulates Lamar Dewberry of Lineville High School as the winner of the state Agriscience Teacher of the Year Award and as one of only twelve regional finalists from throughout the nation; and

WHEREAS, the Agriscience Teacher of the Year Award was established for the purpose of recognizing those teachers who most successfully incorporate science into the agriculture curriculum, thereby better preparing their students for future careers in agriculture and science; and

WHEREAS, Lamar Dewberry is indeed deserving of highest commendation as the recipient of the state Teacher of the Year Award and is to be further recognized for outstanding achievement as a regional finalist who was honored for his accomplishments during the November 1988 National FFA Convention held in Kansas City, Missouri; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Lamar Dewberry

of Lineville High School, whom we hold in warmest personal regard and for whom a copy of this resolution of signal honor shall be provided.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 127, was adopted.

Also:

By Rep. Laird:

H. J. R. 128. URGING THE STATE PARKS DIVISION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO PROVIDE ENCLOSED FACILITIES FOR WORSHIP SERVICES IN ALL STATE PARKS.

WHEREAS, most national parks and all armed services installations have chapel buildings, yet only one of Alabama's twenty-one state parks have such a facility; and

WHEREAS, large numbers of church people and their children, as well as many local church groups on outings or for convention purposes, comprise a sizable percentage of those who visit our state parks, and those people have an urgent need for adequate facilities to be used for worship services and/or church group meetings; and

WHEREAS, on many occasions, however, large crowds assembled for worship are crammed into outdoor facilities with little or no protection from inclement weather; and

WHEREAS, also, in several of our state parks, local churches and church associations hold regularly scheduled Sunday morning worship services and, from personal observation of the large crowds in attendance, park officials are or should be aware of the urgent need to replace present open-air facilities with enclosed chapels that can be constructed at a relatively small expense to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the State Parks Division of the Department of Conservation and Natural Resources, to implement the planning and construction of enclosed chapel buildings in all of Alabama's state parks.

BE IT FURTHER RESOLVED, That in advisement of this request of the legislature, copies of this resolution shall be forwarded to the director of the State Parks Division of the Department of Conservation and Natural Resources and to the commissioner of said department.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 128, was adopted.

Also:

By Rep. McKee:

H. J. R. 129. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.

WHEREAS, the Alabama Legislature notes that the citizens of our great Nation have long been attempting to pull in the reins of federal spending

and have long desired the highest degree of integrity and accountability from elected officials; and

WHEREAS, on September 25, 1789, the First Congress of the United States, convened in New York, New York, submitted to the legislatures of the several states an amendment to the United States Constitution designed to restrict the power of the Congress to vary the salaries of its members; and

WHEREAS, the proposed amendment, was presented to us by the outstanding constitutionalist and fourth President of our Nation, James Madison; and

WHEREAS, believing that fiscal irresponsibility at the federal level poses one of the greatest threats which face our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline and the accountability of elected officials which is necessary to restore public confidence in the federal government; and

WHEREAS, this little-known and scarcely advertised 199-year-old proposal has received renewed attention, since it has been learned that it is still viable, and twenty-five states have ratified it, seventeen of them just since 1983; and

WHEREAS, the language of Article V of the Constitution of the United States provides that the Constitution may be amended by the adoption of a particular proposal by a two-thirds (2/3) vote in both houses of the Congress which must then be ratified by the legislatures of three-fourths (3/4) of the several states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby ratifies the proposed amendment to the Constitution of the United States that provides for a delay in changes in the compensation of members of the United States Congress which reads as follows:

“Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.”

BE IT FURTHER RESOLVED, That duly authenticated copies of this resolution be forwarded by the Clerk of the House to the Archivist of the United States in Washington, D.C., to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama Congressional Delegation with a request that it be printed in full in the Congressional Record.

The resolution, H. J. R. 129, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Campbell:

H. J. R. 130. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 23, 1989, they adjourn to meet again on Tuesday, February 28, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 130, was adopted.

Also:

By Rep. Campbell:

H. R. 131. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 23, 1989, we adjourn to meet again on Tuesday, February 28, 1989, at 1:00 P. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 131, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 180. To make an appropriation from the State General Fund to the YMCA-Cleveland Avenue Branch for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 184. To make an appropriation from the State General Fund to the Fort Gaines for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 185. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 186. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 189. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 190. To make an appropriation from the State General Fund to the Beacon House—Jasper for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 192. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 194. To make an appropriation from the State General Fund to the Mobile Exploreum Children's Museum for the fiscal year ending September 30, 1990.

Also:

H. 195. To provide for a supplemental appropriation from the Board of Examiners of Nursing Home Administrators Fund to the Board of Examiners of Nursing Home Administrators for the fiscal year ending September 30, 1989.

Also:

H. 197. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 222. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 223. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for capital outlay for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 225. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 226. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 227. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 228. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House.

H. 200. To make an appropriation from the State General Fund to the Parents Anonymous of Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 210. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 219. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1990,

and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 221. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 233. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 235. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 236. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 237. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 278. To amend Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Also:

H. 279. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Harper offered the motion that the House non-concur in the Senate amendment to the bill, H. 246, said amendment being as follows:

Amend House Bill 246 on Page 79, Line 26, after the word "Center" by inserting the following language:

“, \$50,000 for the Cahaba Trace Commission”

Amend House Bill 246 on Page 6, after Line 23, by adding the following language:

“In addition to the above appropriations in Section 2B, there is hereby conditionally appropriated from the state General Fund to be conditional upon the availability of funds and with the approval of the Governor, the following amounts:

Court of Civil Appeals \$67,376

Court of Criminal Appeals \$398,662

Supreme Court \$1,198,441

Unified Judicial System \$5,662,384.”

Amend House Bill 246 on Page 31, after Line 18, by adding the following language:

“In addition to the above appropriation to the Department of Environmental Management, there is hereby conditionally appropriated from the State General Fund \$400,000, to be conditional upon the availability of funds and with the approval of the Governor for general operating expenses for the department.”

Amend House Bill 246 on Page 10, Line 17, by striking the period (.), and inserting the following language:

“, and other livestock shows and expositions.”

Amend House Bill 246 on Page 37, Line 23, by striking the figure “\$2,368,000” and inserting in lieu thereof the figure “\$2,668,000”.

Amend House Bill 246 on Page 49, Line 26, by deleting the figure “\$2,378,731” and inserting in lieu thereof “\$8,750,000”.

Further amend House Bill 246 on Page 49, Line 34, after the word "Governor." by adding the following:

"It is the intent of the Legislature that the \$8,750,000 be expended to address the crisis situation in child welfare by funding the initial recommendations proposed by the Governor's Special Commission on Child Welfare Services."

Amend House Bill 246 on Page 31, Line 23, by striking the figure "\$500,000" and inserting in lieu thereof the figure "\$600,000".

Amend H. B. 246 on page 15 by striking lines 13-23 and inserting in lieu thereof the following:

"14. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Service Program	7,675,246
(b) Fair Marketing Practices Program	598,284

SOURCE OF FUNDS:

(1) State General Fund - Transfer	6,677,835		
(2) State General Fund - Transfer - Consumer Protection	588,284		
(3) Federal and Local Funds		1,007,411	
Total Office of the Attorney General ..	7,266,119	1,007,411	8,273,530

"Of the above appropriation to the Legal Advice and Legal Services Program, a total of \$611,000 shall be expended for an anti-drug program.

Further amend on page 86 lines 25 and 27 and on page 87 line 14 by striking the figure "1,500,000" and inserting in lieu of the figure "889,000"

Amend House Bill 246 on Page 15, after Line 23, by adding the following language:

"In addition to the above appropriation to the Attorney General, there is hereby appropriated \$611,000 from the State General Fund to be conditioned on the availability of funds in the State General Fund and the approval of the Governor. In the event this conditional is released, said conditional funds must be expended for a drug program."

Amend House Bill 246 on Page 25, after Line 32, by adding the following language:

"In addition to the above appropriation to the Industrial Development Program-Alabama Development Office, there is hereby conditionally appropriated from the State General Fund \$450,000 to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor."

Amend House Bill 246 on Page 58, Line 29, by striking the figure "\$1,134,928" and inserting in lieu thereof the figure "\$3,000,000".

Amend House Bill 246 on Page 29, after Line 11, by inserting the following language:

"In addition to the above appropriation there is also hereby conditionally appropriated from the State General Fund the sum of \$350,000 for the Helen Keller Eye Research Foundation to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor."

Amend House Bill 246 on Page 49, after Line 34, by inserting the following language:

"In addition to the above appropriation, there is also hereby conditionally appropriated from the State General Fund the sum of \$4 million to the Department of Human Resources for Aid to Dependent Children to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor."

Amend House Bill 246 on Page 68, after Line 34 by adding the following language:

"In addition to the above appropriation to Prosecution Services, there is hereby conditionally appropriated \$26,799 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor."

Amend H. B. 246 as substituted and amended on page 85, line 31 by deleting the figure "1,712,430" and inserting in lieu thereof the figure "1,697,430".

Further amend on page 86, lines 9 and 12 by deleting the figure "1,792,430" and inserting in lieu thereof the figure "1,777,430".

Further amend on page 86, line 16 by deleting the figure "\$500,000" and inserting in lieu thereof the figure "\$515,000".

Amend H. B. 246 as substituted and amended on page 50, lines 6, 12 and 14 by deleting the figure "157,176" and inserting in lieu thereof the figure "167,176".

Further amend on page 86, lines 25 and 27 and on page 87, line 14 by deleting the figure "889,000" and inserting in lieu thereof the figure "879,000".

Amend House Bill 246 on Page 46, line 18 after the period by striking the language which reads as follows:

"In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds to purchase capital equipment (rolling stock) for the state mass transportation program and for an insurance and/or self-insurance program."

Amend House Bill 246 on page 28 after line 12 by adding the following:

"In addition to the above appropriation, there is hereby conditionally appropriated \$100,000 to Jacksonville State University to be used for small business research and development."

Amend House Bill 246 on page 53 by deleting lines 24-33 in their entirety and renumbering the remaining sub-sections accordingly.

Amend House Bill 246 on page 30, line 30 by striking the figure "33,266,015" and insert in lieu thereof the figure "33,316,015";

Further House Bill 246 amend on page 31, line 18 by striking the figures "7,145,110" and "33,266,015" and insert in lieu thereof the figures "7,195,110" and "33,316,015", respectively;

Further amend House Bill 246 on page 30, after line 37 by inserting the following:

"(4) State General Fund-Transfer
to Hazardous Substance Cleanup Fund 50,000";

Further House Bill 246 amend on page 31, lines 5—15 by re-numbering the following item numbers accordingly;

Further amend House Bill 246 on page 85, line 31 by striking the figure "1,697,430" and insert in lieu thereof the figure "1,647,430";

Further House Bill 246 amend on page 86, lines 9 and 12 by striking the figure "1,777,430" and insert in lieu thereof the figure "1,727,430".

Amend House Bill 246 on page 46 lines 28, 30 and 32 by striking the figure "98,200" and inserting in lieu thereof the figure "125,000"

Further amend on page 85, line 31 by deleting the figure "1,647,430" and inserting in lieu thereof the figure "1,620,630".

Further amend on page 86, lines 9 and 12 by deleting the figure "1,727,430" and inserting in lieu thereof the figure "1,700,630".

Amend House Bill 246 on page 76 line 29 and on page 77 line 9 by striking the figure "1,285,706" and insert in lieu thereof the figure "1,335,706"; Further amend on page 76, line 25 by striking the figure "1,325,706" and insert in lieu thereof the figure "1,375,706"; Further amend on page 77, line 9 by striking the figure "1,329,706" and substitute in lieu thereof the figure "1,379,706".

Amend H. B. 246 as last amended on page 10, after Line 28 by adding the following language: "of the above appropriation to the Agricultural Inspection Services Program, a total of \$30,000 shall be transferred to the Alabama Agriculture Center for the State of Alabama.

To amend H. B. 246 on page 57 after line 13 by adding the following:

"In addition to the above appropriation of 74,044,359 to the Institutional Treatment and Care—Mental Retardation Program, there is hereby conditionally appropriated the sum of \$175,000 from the State General Fund to be conditioned upon the condition of the General Fund and the approval of the Governor."

Amend H. B. 246 as amended on page 81 after line 33 by adding the following language:

"In addition to the above appropriation to the Department of Youth Services, there is hereby appropriated \$3,000,000 to the Department of Youth Services for statewide Juvenile Detention Centers to be conditioned on the availability of funds in the State General Fund and the approval of the Governor."

To amend H. B. 246 on page 85 line 31 by deleting the figure "1,620,630" and inserting in lieu thereof the figure "1,595,630".

Further amend the bill on page 86 on lines 9 and 12 by deleting the figure "1,700,630" and inserting in lieu thereof the figure "1,675,630".

Further amend the bill on page 18 line 6 by deleting the figure "25,487,835" and inserting in lieu thereof the figure "25,512,835".

Further amend the bill on page 18 after line 6 by adding the following:

"Of the above appropriation of \$25,512,835, the sum of \$25,000 shall be used for the operation or Capital Improvements at the Claude D. Kelley State Park.

Further amend the bill on page 18 line 27 by deleting the figure "1,541,006" and inserting in lieu thereof the figure "1,566,006".

Further amend the bill on page 20 line 17 by deleting the figures "1,541,006" and "50,397,746" and inserting in lieu thereof the figures "1,566,006" and "50,422,746".

Amend House Bill No. 246 Page 20 after Line 29, as follows:

"200,000 is conditionally allocated for the development of the Choc-tawhatchee-Pea River Basin. This 200,000 to be appropriated only in the event the Federal Government allocated 200,000 or more. This appropriation will be the 1st conditional appropriation funded.

Rep. Harper requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 246.

SUBSTITUTE MOTION IN WRITING OFFERED

Rep. Holmes offered the following substitute Motion in Writing:

Mr. Speaker:

I move that we non-concur on H. B. 246 with the conferees instructed to reinstate \$611,000 for the Attorney General's Office.

SUBSTITUTE MOTION IN WRITING TABLED

On motion of Rep. Harper, the substitute Motion in Writing offered by Rep. Holmes, was tabled.

Yeas 71; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Escott, Holley, Holmes, Mathis, Perdue, Rogers, Spratt and Thomas.

—8

H. 395 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 395, from the Standing Committee on Judiciary to the Standing Committee on Health.

H. 397 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 397, from the Standing Committee on Judiciary to the Standing Committee on Agriculture, Forestry and Natural Resources.

H. 518 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 518, from the Standing Committee on Ways and Means to the Standing Committee on Education.

H. 299 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 299, from the Standing Committee on Constitution and Elections to the Standing Committee on Local Legislation No. 4.

S. 17 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 17, from the Standing Committee on Public Utilities and Transportation to the Standing Committee on State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 119. MOURNING THE DEATH OF DR. ERNEST STONE, JACKSONVILLE, ALABAMA.

McDOWELL LEE,
Secretary.

H. 246 RESUMED

The question was then on the motion offered by Rep. Harper that the House non-concur in the Senate amendment to the bill, H. 246, and request a Committee on Conference be appointed on the disagreement of the two Houses on the Senate amendment, and the motion was adopted.

Yeas 86; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nays: Reps. Escott, Holley, Holmes and Spratt.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 229. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 231. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 232. To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Barron, Rice, Holmes, Bedford, Bedsole, Preuitt, Hale, Hand, Mitchem, Bennett, Denton, Foshee, Covington, Smith (B), Parsons, Dixon, Langford, Bailey, Ellis, Horn, and deGraffenried:

S. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 88. Agriculture Forestry and Natural Resources

ADJOURNMENT

On motion of Rep. Campbell, and pursuant to the resolution, H. R. 131, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 28, 1989.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 28, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Bob Sandifer, Salem Baptist Church, Brundidge, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chris Culver, Hoover, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the

following business, in the order named, be made the special and paramount order of business for the 8th legislative day, Tuesday, February 28, 1989, taking precedence over the regular order of business, or any pending or unfinished business and continuing on the following legislative day or until such time as said business is disposed of:

All Uncontested Local Bills

Inst Id

H. 177

Report of Standing Committees

Introduction of Bills and Resolutions

Unfinished Business

And the Following Bills:

Inst Id	Page
<u>H. 113</u> —By White (L)	7
Acts of Alabama, 1988 Reg. Sess., codified	
<u>H. 45</u> —By Butler	22
Annual hunting and fishing licenses, license year specified, Sec. 9-11-32 am'd.	
<u>H. 82</u> —By Hamilton	54
Notaries public, state, blanket bonding of competitive bids, auth.	
<u>H. 308</u> —By Hooper	4
Death penalty, direct appeal to Supreme Ct., Sec. 12-3-9 am'd.	
<u>H. 35</u> —By Ford (As Amended)	16
Fiduciary accts., transfer from one bank trust dept. to another auth.	
<u>H. 88</u> —By Williams	21
Agriculture and Industries Dept., approp. for boll weevil eradication	
<u>H. 80</u> —By Buskey (JE)	11
Public officers, vacation of office upon conviction, not sentencing	
<u>H. 81</u> —By Buskey (JE) (As Substituted)	82
Education, city or co. bds. of ed. req. to replenish instructional supply monies during proration	
<u>H. 349</u> —By Ford	18
Consumer Finance laws, confirm said law does not apply to transactions that are not consumer loans, Sec. 5-19-31 am'd.	
<u>H. 403</u> —By Johnson (RW)	44
Student Grant Program, min. amt. of grant alt., Sec. 16-33A-3 am'd.	

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<u>H. 139</u> —By Johnson (RG)	12
County health dept. may make provisional appt. to adm. public health services, Sec. 36-26-81 am'd.	
<u>H. 447</u> —By Higginbotham (As Amended and Substituted)	94
Pornography, unlawful to distribute or produce, Secs. 13A-12-150 through 13A-12-159, 13A-12-170 through 13A-12-179 repealed	
<u>H. 480</u> —By Adams	95
County and mun. sales taxes, validated and ratified	
<u>H. 415</u> —By Payne	38
Municipalities, cert. prohib. on incorporation removed, Sec. 11-41-1 am'd.	
<u>H. 97</u> —By Johnson (RW)	20
Board of education, st. auth. to adopt rules re school absences and drivers' licenses	
<u>H. 108</u> —By White (L) (As Substituted)	14
Impaired Professionals' Committee, cost of treatment programs, discipline by bds., provided further, Sec. 34-38-2 am'd.	
<u>H. 121</u> —By Starkey	5
Solid Waste disposal authorities	
<u>H. 140</u> —By Johnson RG (As Substituted)	13
Health Dept. for family practice and obstetricians in rural areas, approp.	
<u>H. 304</u> —By Hall	29
Free Fishing Day, designated	
<u>H. 307</u> —By Laird	29
Woodland Fire Condemnation Act, established	
<u>H. 379</u> —By Harper	53
Bar pilots in Mobile Bay, comp. incr., Sec. 33-4-48, am'd.	
<u>H. 391</u> —By Laird	63
Unemployment comp., rating system and tax structure alt., benefits incr., Secs. 25-4-51 through 25-4-54, 25-4-72, 25-4-77, 25-4-78, 25-4-91, am'd.	
<u>H. 494</u> —By Freeman	45
Boats, registration fees incr., Sec. 33-5-17 am'd.	
<u>H. 21</u> —By McClain	50
Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Sec. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.	

<u>H. 420</u> —By White (L)	34
State employees, deductions from salaries for employee organizations	
<u>H. 285</u> —By Logan	26
Lifetime hunting, fishing and combined licenses, fee incr., non-residents not entitle to receive, voiding provision removed	
<u>H. 338</u> —By White (L) (As Amended)	34
Insurance, mutual aid associations auth. for domestic life and disability insurers	
<u>H. 110</u> —By White (L) (As Amended)	30
Counties, ad valorem taxes collected, investment reg.	
<u>H. 111</u> —By White (L) (As Amended)	30
Tax assessors, auth. to correct mechanical errors made in assessments of prop.	
On motion of Rep. Carter, the resolution, H. R. 132 was adopted.	

SPECIAL ORDER

The House proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Bryant, the Budget Isolation Resolution and the bill, H. 72, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Headley, Budget Isolation Resolution relating to H. B. 130, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Bowling, Box, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Flowers, Frazier, Freeman, Gaston, Gray, Hall, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Lindsey, Marks, Mathis, McMillan, Moon, Newman, Parker, Penry, Poole, Sanderford, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghyb.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 130. Relating to Chilton County; amending Section 3 of Act No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax

not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Bowling, Box, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Curry, Dillard, Freeman, Gaston, Gray, Hall, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Laird, Marks, Mathis, McMillan, Moon, Newman, Parker, Poole, Sanderford, Starkey, Turner, Warren, White (G), White (L), Willis and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTIONS CARRIED OVER

On motion of Rep. Warren, the Budget Isolation Resolution and the bill, H. 149, were temporarily carried over.

On motion of Rep. Ford, the Budget Isolation Resolution and the bill, H. 150, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson Budget Isolation Resolution relating to H. B. 56, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Higginbotham, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McKee, McMillan, Mikell, Moon, Newman, Parker, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (L) and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 56. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps. Adams, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Sanderford, Turner, White (L), Williams, Willis and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson Budget Isolation Resolution relating to H. B. 101, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Bowling, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Coburn, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Higginbotham, Hill, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 101. Relating to Jackson County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official permanent records in Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Blake, Bowling, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Ford,

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Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hogan, Kennedy, Knight, Kvalheim, Laird, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson Budget Isolation Resolution relating to H. B. 102, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Bowling, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Coburn, Curry, Dillard, Drake, Freeman, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Headley, Higginbotham, Hill, Hooper, Kennedy, Knight, Kvalheim, Laird, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Coburn, Curry, Dillard, Drake, Freeman, Fuller, Gaston, Grouby, Hall, Hammett, Harvey, Higginbotham, Hogan, Hooper, Kennedy, Knight, Kvalheim, Laird, Marks, Mikell, Moon, Newman, Parker, Penry, Sanderford, Turnham, White (F), White (G), White (L), Williams and Willis.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 112, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Bowling, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (W), Crow, Curry, Dillard, Drake, Flowers, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks, and turkey shoots for fund raising purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Gaston, Gray, Grouby, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McMillan, Mikell, Newman, Parker, Penry, Sanderford, Turner, Turnham, White (F), White (L), Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Layson, the Budget Isolation Resolution and the bill, H. 334, were carried over to the ninth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution relating to H. B. 417, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Fuller, Gaston, Grouby, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Mathis, McMillan, Mikell, Newman, Parker, Payne, Penry, Petelos, Sanderford, Turner, Turnham, Warren, White (F), White (G), Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Brooks, Bryant, Burke, Butler, Carter, Crow, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gray, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Petelos, Sanderford, Turnham, Warren, White (F), White (G), White (L), Williams and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham Budget Isolation Resolution relating to H. B. 449, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (W), Crow, Curry, Dillard, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Moon, Newman, Parker, Payne, Penry, Petelos, Sanderford, Turner, Turnham, Warren, White (F), White (G), White (L), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries

of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections and the qualification of electors in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

Was taken up.

AMENDMENT OFFERED

Rep. Higginbotham offered the following amendment:

Amend H. 449 by adding after the period following the word "taxation" on page 7, line 6, the following: "it being further understood, however, that the term "Commercial Building" shall not include utility poles, lines, conductors, towers, or structures used to support utility lines or conductors"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Sanderford, Turner, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 449 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Sanderford, Turner, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 282, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McMillan, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Sanderford, Spratt, Turner, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—61

And the bill:

H. 282. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment

to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Fuller, Gaston, Grouby, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McMillan, Mikell,

Newman, Parker, Poole, Sanderford, Spratt, Turner, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 283, was adopted.

Yeas 53; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Fuller, Gaston, Grouby, Harper, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (G), White (L), Willis, Wright and Zoghby.

—53

And the bill:

H. 283. Relating to Fayette County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Harper, Headley, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 284, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Brooks, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Harvey, Haynes, Headley,

Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Sanderford, Turnham, White (F), White (G), White (L), Williams, Willis and Wright.

—54

And the bill:

H. 284. Relating to Fayette County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Gray, Hall, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 400, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Cosby, Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—53

And the bill:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for

enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Cosby, Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Hall, Harper, Headley, Higginbotham, Hill, Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Sanderford, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTIONS CARRIED OVER

On motion of Rep. Bryant, the Budget Isolation Resolution and the bill, H. 492, were temporarily carried over.

On motion of Rep. Bryant, the Budget Isolation Resolution and the bill, H. 493, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren Budget Isolation Resolution relating to H. B. 499, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Cosby, Crow, Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newton (C), Parker, Payne, Penry, Poole, Sanderford, Starkey, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—56

And the bill:

H. 499. To amend Act No. 86-322 so as to alter the boundaries of Conecuh County Commission District 3 and 5; to provide that all elections for the Conecuh County Commission after the 1988 general election shall be conducted using the amended district arrangement; to provide that, for

road construction and maintenance purposes, the amended district arrangement shall take effect immediately; and to repeal all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McMillan, Moon, Parker, Payne, Penry, Poole, Sanderford, Starkey, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—58

BUDGET ISOLATION RESOLUTIONS CARRIED OVER

On motion of Rep. Layson, the Budget Isolation Resolution and the bill, H. 509, were carried over to the ninth legislative day.

On motion of Rep. Mathis, the Budget Isolation Resolution and the bill, H. 517, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren Budget Isolation Resolution relating to H. B. 546, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Clark (W), Crow, Curry, Dillard, Flowers, Gaston, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Sanderford, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—54

And the bill:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JL), Clark (W), Crow, Curry, Dillard, Fuller, Gaston, Gray, Grouby, Hamilton,

Hammett, Haynes, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, McClain, McDowell, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman, Budget Isolation Resolution relating to S. B. 197, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Brooks, Bryant, Crow, Curry, Dillard, Flowers, Gaston, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, McClain, McDowell, Moon, Newman, Parker, Payne, Poole, Sanderford, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water

service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Cosby, Curry, Dillard, Escott, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Logan, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Sanderford, Spratt, Thomas, Turner, Turnham, White (G), White (L), Williams and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 180. To make an appropriation from the State General Fund to the YMCA-Cleveland Avenue Branch for the fiscal year ending September 30,

1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 184. To make an appropriation from the State General Fund to the Fort Gaines for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 185. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 186. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 189. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 190. To make an appropriation from the State General Fund to the Beacon House—Jasper for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 192. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 194. To make an appropriation from the State General Fund to the Mobile Exploreum Children's Museum for the fiscal year ending September 30, 1990.

Also:

H. 195. To provide for a supplemental appropriation from the Board of Examiners of Nursing Home Administrators Fund to the Board of Examiners of Nursing Home Administrators for the fiscal year ending September 30, 1989.

Also:

H. 197. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1990, and

to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 200. To make an appropriation from the State General Fund to the Parents Anonymous of Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 210. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 219. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 221. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 233. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and

Homebound for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 235. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 236. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 237. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 278. To amend Act. No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Also:

H. 279. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1990, and to require an operations plan prior to release of any funds.

Also:

H. 226. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 227. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 228. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 222. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 223. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for capital outlay for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 225. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. J. R. 119. MOURNING THE DEATH OF DR. ERNEST STONE, JACKSONVILLE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 229. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 231. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 232. To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30,

1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Rep. Laird, leave of absence was granted for Rep. Richardson.

At the request of Rep. Butler, leave of absence was granted for Rep. Grayson.

At the request of Rep. Petelos, leave of absence was granted for Rep. Biddle and Rep. Seibels due to illness.

SPECIAL ORDER RESUMED

And the bill:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

Which was the first bill on the Special Order Calendar after the uncontested local bills were considered, was taken up.

H. 177 RE-COMMITTED

On motion of Rep. Dillard, the Speaker re-committed the bill, H. 177, to the Standing Committee on Tourism, Entertainment and Sports.

REPORT FILED

Pursuant to Act No. 85-301, Senator Gerald O. Dial, Co-Chairman, and Rep. Richard Laird, Co-Chairman, submitted the report of the Alabama Legislative Congressional Advisory Committee on the Textile Industry, and the report was ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 19. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAs.

On motion of Rep. McClain, the resolution, S. J. R. 19, was adopted.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 443. To provide that any person who willfully or maliciously injures, defaces, removes, destroys or tampers with any highway control device, highway, road or bridge construction warning devices or any fence or any enclosure about any highway, road or bridge construction site shall be guilty of a Class "A" Misdemeanor.

H. 137. To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of traffic offenders, so as to eliminate the requirement for an immediate hearing and to provide that officers may take such offenders into custody and bring them before a magistrate to require sufficient bond in certain instances and impose a minimum fine for failure to appear.

H. 331. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit courts, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

The above bill was read a second time at length as required by the Constitution.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 442. (With Amendment): To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 444. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the

Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 316. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department with certain modifications; to repeal Section 27-7-25 so as to delete the requirement for temporary licensing of out-of-state applicants; to amend Sections 27-7-5, 27-7-7, 27-8-21, 27-7-23, 27-7-24, and 27-8-7, Code of Alabama 1975, so as to delete residency requirements for licensees of the department; to provide further for testing fees of the department; to allow the department to contract with testing services; and to restrict certain temporary licenses and to eliminate various other temporary licenses issued by the department after 36 months following passage of this act.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 570. To amend Section 32-7-23, Code of Alabama 1975, which relates to uninsured motor vehicle liability insurance policies issued in this state, so as to provide that recovery shall be limited to one policy under this coverage, and to prohibit "stacking" of this coverage by owning several policies.

H. 587. To amend Sections 27-1-4 and 27-32-1, Code of Alabama 1975, relating to the Insurance Code, so as to make certain provisions of the Code applicable to trusts established for the purpose of providing insurance for members or beneficiaries thereof.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same

are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

H. 549. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Harper:

H. 594. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harper:

H. 595. To amend Act No. 88-692 passed in the 1988 First Extraordinary Session which makes appropriations for public education by reducing the appropriations from the Alabama Special Educational Trust Fund to the State Council on the Arts, the Alabama Public Library Service, Department of Mental Health and Mental Retardation, State Board of Education-Financial Assistance to Local Boards, State Board of Education-Junior College System and State Board of Education-Technical College System for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$182,185.50 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$348,576 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Hamilton, Lindsey, Butler, Carter, McKee, Rogers, Laird, Gray, and Turnham:

H. 602. To amend Sections 34-17-7, 34-17-21, 34-17-24, 34-17-25, and 34-17-26, Code of Alabama 1975, relating to landscape architecture, so as to provide that district attorneys shall be responsible for collecting certain fines and prosecuting certain violators, to provide further for the time when evidence of certain qualifications shall be submitted, to provide further for a penalty for late payment of fees, to provide further for delinquent annual fees, to provide that the board shall establish and prescribe fees for certain services and to provide for temporary licensing in certain situations and pursuant to certain requirements.

Committee on Local Government.

By Rep. Hamilton (With Notice and Proof):

H. 603. Relating to Limestone County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Haynes:

H. 604. To amend Sections 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, -34-13-70, 34-13-90, 34-13-111, 34-13-132 and 34-13-134, Code of Alabama 1975, relating to the board of funeral service, so as to: limit board members to two (2) consecutive terms of office; to require the board's rules and regulations be promulgated pursuant to the state administrative procedures statutes; to remove the board's continuing appropriation; to remove the requirement that chairman approves expenditures; to provide for disciplinary action for intoxication by alcoholic beverages and gross negligence in embalming human bodies; to allow reasonable examination fees by the board; to delete references to "branches" of funeral establishments; and to require operators to report on their license renewal dates.

Committee On Health.

By Rep. Walker:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

Committee on Ways and Means.

By Reps. Moon and Rains (With Notice and Proof):

H. 606. Relating to Marshall County; providing for an additional allowance, payable from the county general fund, for election officials who work in polling places; and repealing Act. No. 80-334, H. 801, Regular Session 1980 (Acts 1980, Vol. I. p. 455) which provides for an expense allowance for election officials.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 606, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow, Laird, Gray, Grouby, Petelos, Wright, Blake, Campbell, Willis, Hogan, Frazier, Johnson (RG), Mathis, Layson, Warren, Cosby, Breedlove, Flowers, Harvey, Burke, Headley, Marks, Carter, Davis, McDowell, McClain, Drake, Coburn, Bugg, Bowling, Newman, Moon, Goodwin, Dillard, Hill, Knight, Curry, Parker, Blakeney, Bryant, and Black:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

Committee on State Administration.

By Rep. Mathis:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service

out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Committee on Ways and Means.

By Rep. Buskey (JE):

H. 609. To amend Section 27-8-10, Code of Alabama 1975, relating to the examination of life and disability agents, so as to decrease the waiting period for a person who has failed to pass two examinations from six months to forty-five days.

Committee on Insurance.

By Rep. Butler:

H. 610. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

Committee on Health.

By Rep. McKee (With Notice and Proof):

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 611, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Higginbotham (With Notice and Proof):

H. 612. Relating to Lee County, providing further for the compensation of the district judges in the 37th Judicial Circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 612, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 613. Relating to county or municipal library boards; amending Section 11-90-2 of the Code of Alabama 1975, so as to provide further for membership on such boards.

Committee on Local Government.

By Rep. Zoghby:

H. 614. To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

Committee on Ways and Means.

By Rep. Zoghby:

H. 615. Relating to county coroners; to define a coroner's investigation; to provide for qualifications and training; to establish a quality assurance board; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; and to prescribe criminal penalties for persons who violate said provision; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt coroners and state medical examiners from certain liability; to provide for the admission of reports into evidence; to provide that this act shall not apply in certain instances; and to repeal sections 15-4-1 through 15-4-11, Code of Alabama 1975, which relate to coroners' inquests.

Committee on Health.

By Reps. Harper and Zoghby:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

Committee on Ways and Means.

By Reps. Campbell, Willis, and Crow:

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 618. To amend Section 40-12-4 of the Code of Alabama 1975, which relates to the authority of county governing bodies to levy county franchise,

excise and privilege license taxes so as to provide that the use of such taxes shall be for public school or county government purposes and that such taxes may be levied in any portion of the county.

Committee on Ways and Means.

By Rep. Campbell:

H. 619. Relating to the fee to be charged by probate judges; to amend Section 12-19-90 of the Code of Alabama 1975, to remove the requirement to charge a fee for celebrating the rites of matrimony.

Committee on Judiciary.

By Rep. Thomas:

H. 620. To require four-year postsecondary institutions to disclose salary information.

Committee on Education.

By Reps. Beasley, White (L), Haynes, Butler, Johnson (RG), and Mikell:

H. 621. To amend Section 34-23-1, Code of Alabama 1975, relating to the practice of pharmacy, so as to provide further for the definition of "pharmacist."

Committee on Health.

By Reps. White (L), Beasley, Haynes, Butler, Johnson (RG), and Mikell:

H. 622. To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

Committee on Health.

By Rep. Black (With Notice and Proof):

H. 623. Relating to Sumter County, to disburse additional funds to the South Sumter County Development Authority from revenues generated by fees on waste storage or dumping and to include certain additional districts within the composition of said authority.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 623, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kvalheim, Gaston, and Kennedy:

H. 624. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

Committee on Education.

By Reps. Kvalheim, Gaston, and Harper:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

Committee on Ways and Means.

By Reps. Kvalheim and Gaston:

H. 626. To empower certain federal law enforcement officers to enforce the laws of this State and to arrest persons violating said Laws.

Committee on Judiciary.

By Reps. Kvalheim and Gaston:

H. 627. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name. Further requiring certain facilities and physicians to report the required data.

Committee on Health.

By Rep. Turner:

H. 628. To amend Section 40-24-3, Code of Alabama 1975, to delete an archaic requirement that certain records of securities subject to privilege or license tax must be hand recorded in bound volumes and to permit the department of revenue to use state of the art electronic recording systems to maintain records necessary to administer this section of the revenue code.

Committee on State Administration.

By Rep. Turner:

H. 629. To amend Sections 40-9-40, 40-9-43 and 40-9-47, Code of Alabama 1975, to provide that the ten-year exemption from ad valorem taxes, presently allowed for certain industrial buildings in this state, shall not exceed the increase in the market value of such property as the result of extensions, expansions or other construction modifications to the property.

Committee on Ways and Means.

By Reps. Turner, Harper, and Zoghby:

H. 630. To establish a uniform standard and extend exemption status from payment of ad valorem tax, franchise tax, corporate permit fee, sales tax on purchases, and use tax on purchases to all entities which have been granted status under the provisions of sections 501(c)(3) and 501(d) of the Internal Revenue Code of 1986; to clarify the description of exempted entities by amending sections 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5, Code of Alabama 1975; and to "grandfather in" current organizational and property exemptions and leave such current exemptions unchanged.

Committee on Ways and Means.

By Reps. Petelos and Zoghby:

H. 631. To amend Sections 15-23-3, 15-23-5, 15-23-12, 15-23-14, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, so as to increase the amount of burial expenses

paid to the victim; to authorize work loss of claimant; to broaden the definition of the economic loss of a dependant; to extend the one year deadline for filing in certain cases; to authorize the Executive Director to pass on certain applications for compensation; to exempt the Commission from payment of cost of litigation under its right of subrogation, and to increase the maximum compensation award.

Committee on Judiciary.

By Rep. Melton:

H. 632. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

Committee on Judiciary.

By Rep. Laird (With Notice and Proof):

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the Randolph County Development Committee without the payment of fair and reasonable market value.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 633, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McMillan:

H. 634. To amend section 6-6-482 of the Code of Alabama 1975, relating to writs of garnishment issued only after final judgments on actions ex contractu so as to provide further for writs of garnishment after final judgments in tort actions.

Committee on Judiciary.

By Reps. McMillan, Penry, Mikell, and Knight:

H. 635. To prohibit certain acts relating to mandatory uniform tests required by the department of education and provide for penalties for violations.

Committee on Education.

By Rep. Breedlove:

H. 636. To amend Sections 2-15-62, 2-15-63, 2-15-66, 2-15-71, 2-15-90, 2-15-91 and 2-15-93, Code of Alabama 1975, relating to livestock markets, so as to increase the permit fees and market bonds, to provide further for the purchasing at livestock markets, and to provide further for the permits and bonds of persons who weigh livestock at markets.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Carothers and Johnson (RG):

H. 637. To provide further for the protection of man and animals from rabies; to provide for immunization of domestic animals; to establish a fee

schedule; to provide for penalties and impoundment of animals and their disposition; to provide further for rabies officers; and to repeal sections 3-7-1 through 3-7-13, Code of Alabama 1975.

Committee on Health.

By Rep. Venable:

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote.

Committee on Constitution and Elections.

By Rep. Harper:

H. 639. This bill reduces the appropriation from the State General Fund to the Department of Agriculture and Industries by \$150,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 640. This bill reduces the appropriation from the State General Fund to the Alabama Forestry Commission by \$366,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 641. This bill reduces the appropriation from the State General Fund to the Alabama Development Office by \$200,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 643. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Committee on Ways and Means.

By Rep. Harper:

H. 644. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 645. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 648. This bill reduces the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$100,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 649. This bill reduces the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$270,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 650. This bill reduces the appropriation from the State General Fund to the Alabama Historical Commission by \$530,000 for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Kennedy:

H. 651. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

Committee on Education.

By Reps. Freeman, Clark (J), Harper, Campbell, Carter, White (L), Fuller, and Hall:

H. 652. To authorize the Alabama Public School and College Authority to sell and issue three hundred million dollars (\$300,000,000) aggregate principal amount of additional bonds for capital improvements for educational purposes, including libraries, laboratories and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Ways and Means.

By Rep. McMillan:

H. 653. To require the appointment of county superintendents of education by local boards of education as provided by Sections 16-8-7 and 16-9-1, Code of Alabama 1975, and to provide for the effective date of appointment for previously elected superintendent positions.

Committee on Education.

By Rep. McMillan:

H. 654. Proposing an amendment to the Constitution of Alabama of 1901, to require the appointment of county superintendents by local boards of education.

Committee on Education.

The above bill was read a first time at length as required by the Constitution.

By Reps. Hall and Freeman (With Notice and Proof):

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

Committee On Ways And Means.

By Rep. Harper:

H. 658. To make an appropriation from the State General Fund of \$50,000 to Crenshaw County Industrial Park for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

Committee On Ways and Means.

By Rep. Harper:

H. 660. To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Spratt (With Notice and Proof):

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Spratt (With Notice and Proof):

H. 662. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 662, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Petelos:

H. 664. Authorizing the regulation by municipalities or other local governing authorities of private for-hire vehicles, providing passenger transportation services and providing that municipalities or other local governing authorities and any officers or members of such shall not be subject to liability under the federal antitrust laws.

Committee on Judiciary.

By Rep. Harvey:

H. 665. To provide for the regulation of wastewater treatment utilities by the public service commission; to provide for inspection and supervision fees relating to such regulation; and to provide penalties for violations of this act.

Committee on Commerce and Industrial Development.

By Rep. Harvey:

H. 666. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

Committee on Commerce and Industrial Development.

By Rep. Harvey:

H. 667. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to

provide further for such fees and to provide for payment on a quarterly basis.

Committee on Commerce and Industrial Development.

By Rep. Harvey:

H. 668. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of inspection and supervision fees of utilities collected thereunder.

Committee on Commerce and Industrial Development.

By Rep. Hill:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Reps. Fuller, Coburn, Butler, Hooper, and Freeman:

H. J. R. 133. CREATING JOINT LEGISLATIVE COMMITTEE ON DRUG ENFORCEMENT POLICY.

WHEREAS, the Alabama Legislature clearly recognizes illegal drugs and drug-related crime as the paramount, serious threat to public safety in Alabama; and

WHEREAS, a variety of annual appropriations by the Legislature to the Office of Attorney General, the Department of Public Safety, the Alabama Beverage Control Board and others for use in Alabama's war on drugs results, at best, in a diffuse fragmented and highly-politicized attack on the well-organized, well-financed empires of drug criminals; and

WHEREAS, the Alabama Legislature further recognizes that an immediate need exists for closer coordination of all of the State's drug enforcement efforts to achieve both a more effective use of limited public dollars and to transmit a clear signal that every legal tool, resource and agency of the State are being financially sharpened to slash the lifelines of the drug empires at every possible point; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That a Special Joint Committee on Drug Enforcement Policy be established for the remainder of the current term, comprised of ten (10) members of the Legislature, with five (5) appointments from each Chamber respectively by the Speaker of the House and the Lieutenant Governor; such special committee to serve without additional compensation; and to examine and submit detailed recommendations to the full Legislature and to the Governor, specifically addressing the following tasks:

(1) Improved coordination and streamlining of all state-funded drug enforcement programs.

(2) Full analysis of the tax cost and fiscal impact of all pending and future anti-drug legislation, regardless of sponsorship; drawing specifically upon the field expertise of the District Attorneys and police officers of the municipalities and counties of the State.

(3) A focused, specific and continuing review of all drug-crime related appropriations by the Legislature to any State agency or office with emphasis on accountability and with public reports as may be appropriate to protect effective undercover and covert drug enforcement operations.

BE IT FURTHER RESOLVED, That the initial report of the Joint Committee shall be submitted to the Legislature and Governor at least thirty (30) days prior to the convening of the 1990 Regular Session and that the work of the Committee shall thereafter continue through December 31, 1990.

On motion of Rep. Fuller, the rules were suspended and the resolution, H. J. R. 133, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 134. MOURNING THE UNTIMELY DEATH OF WOODROE M. POPE OF MADISON, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Butler:

H. J. R. 135. COMMENDING HUNTSVILLE'S EMERGENCY MEDICAL SERVICES, HEMSİ.

WHEREAS, since its establishment in 1983, HEMSİ, or Huntsville Emergency Medical Service, has grown from five to twelve ambulance units and now has thirteen urban responder cars, equipped with basic life support equipment, covering an 844-square-mile service area; and

WHEREAS, HEMSİ, which is about 90 percent self sufficient through user fees, also now receives a small amount of its \$1.6 million operation budget in city and county governmental subsidies, as well as other special appropriations for construction and vehicle replacement; and

WHEREAS, HEMSİ further benefits greatly from a large number of well-trained volunteers who contributed, last year alone, some 53,000 hours in volunteer response to emergency calls from throughout the agency's coverage area; and

WHEREAS, other donations from the industry sector, including a \$5,000 personal computer, have allowed HEMSİ to operate more efficiently through almost instant access to vital information regarding emergencies, a continuous inventory of supplies expended and on hand, and an up-to-date inventory of financial assets; and

WHEREAS, we further note HEMSİ's superlative Medcom communications center which houses three separate radio systems with the capacity for future expansion as the Huntsville area growth continues to accelerate,

and to maintain the agency's en route response time within the acceptable four-to-six minute time frame; and

WHEREAS, HEMSI is indeed serving the Huntsville area well, and its board, management and staff are to be highly praised for the exceptionally high standards of the agency's emergency medical services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Huntsville area citizens, we hereby commend HEMSI, its board, management and staff, and do further direct that a copy of this resolution be prepared for presentation to HEMSI.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 135, was adopted.

Also:

By Reps. Hooper and McKee:

H.J.R. 136. COMMENDING REBECCA GEIGER GREGORY, MONTGOMERY'S TEACHER OF THE YEAR, JUNIOR HIGH SCHOOL DIVISION.

WHEREAS, the Legislature of Alabama expresses highest commendation of Rebecca Geiger Gregory on her selection as Montgomery's Teacher of the Year in the Junior High School Division; and

WHEREAS, Mrs. Gregory, a graduate of the University of Alabama with the B.S. degree, also holds the Master's degree from the University and completed additional post-graduate work at Troy State University at Montgomery; and

WHEREAS, a classroom teacher for the past thirteen years, Mrs. Gregory joined the Brewbaker Junior High School faculty in 1983 and currently teaches U.S. History at the eighth grade level; and

WHEREAS, Mrs. Gregory is indeed a thoroughly knowledgeable professional whose credentials are exemplary, and she has continued to strengthen her qualifications through participation in a number of seminars, workshops, and other advanced training sessions; and

WHEREAS, in the classroom, Mrs. Gregory's first concern is for the individual needs of her students and her total efforts are dedicated to their growth and maturation through knowledge; and

WHEREAS, she further extends her dedication to include support of all school activities, and actively seeks the support of parents and community for Brewbaker School in an effort to continually improve the overall quality of education for the entire student body; and

WHEREAS, we join with faculty, staff, students and parents of Brewbaker Junior High School in commending Mrs. Rebecca Gregory as Montgomery's Teacher of the Year and further express support of her candidacy for state and national honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and contributions in the educational field, we hereby most highly praise Rebecca Geiger Gregory of Montgomery, Alabama, to

whom we are deeply grateful and for whom a copy of this resolution shall be provided.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 136, was adopted.

Also:

By Rep. Perdue:

H. J. R. 137. CONGRATULATING WAMO REED ROBERTSON OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF HER 70TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the 70th birthday celebration of Wamo Reed Robertson, January 10, 1989; and

WHEREAS, a native of Birmingham, Ms. Robertson is a graduate of Industrial High School and Miles Junior College; she also is a 1956 graduate of Tennessee State A&I University where she received a B.S. degree and, later, the M.A. degree in elementary education; and

WHEREAS, a retired elementary guidance counselor with the Birmingham School System, Ms. Robertson is a member of several educational and social organizations and has been active with JCCEO, in a food-distribution program for the elderly and through involvement with other neighborhood and community groups; she also is a member of Holy Family Catholic Church where she has served as organist for more than 15 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Ms. Robertson's daughter, Katrina R. Green, her three grandchildren, two great-grandchildren and many friends, in extending warm best wishes on her 70th birthday, January 10, 1989.

BE IT FURTHER RESOLVED, That in token of friendship and esteem, a copy of this resolution shall be forwarded to Ms. Wamo Reed Robertson of Birmingham, Alabama.

On motion of Rep. Perdue, the rules were suspended and the resolution, H. J. R. 137, was adopted.

Also:

By Reps. Clark (W), Kennedy, Buskey (JE), Gaston, Turner, Zoghby, Harper, and Kvalheim:

H. J. R. 138. CONGRATULATING THE BLOUNT HIGH SCHOOL LEOPARDS ON THEIR 1989 STATE 5A INDOOR TRACK CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Blount High School Leopards as our 1989 State 5A Indoor Track Champions; and

WHEREAS, we further note that for the Leopards, it was the first ever state championship for Blount High School and it was achieved under the talented leadership and direction of Coaches Theodore Spradley, Antonio Thomas and Curtis Bettis; and

WHEREAS, each and every member of the team displayed a tremendous amount of determination, inspiration and dedication in winning the event, and these virtues, along with extensive preparation, led the swift Leopards to victory; and

WHEREAS, those members of the team to be praised for their contributions to the State Championship are Tomatra Johnson, Maurice Jackson, Sherman Williams, Thomas Barnes, Melvin McFadden, Frank Freeman, Arthur Matthews, Aaron Brown, Vince Chastang, Chris Jones, Enrico Jones, Myron Hill, Royce Bradley, West Conner, Vedrick Rowser, Xavier Portlock, Lee Taylor and Demand Purifoy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as our State 5A Indoor Track Champions for 1989, we hereby most highly commend the Blount High School Leopards, and do further direct that copies of this resolution be provided for appropriate presentation to both coaches and team, and for appropriate display at Blount High School.

On motion of Rep. Clark (W), the rules were suspended and the resolution, H. J. R. 138, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Clark (W), Kennedy, Harper, Buskey (JE), Kvalheim, Gaston, Turner, and Zoghby:

H. R. 139. CONGRATULATING THE BLOUNT HIGH SCHOOL LEOPARDS ON THEIR 1989 STATE 5A INDOOR TRACK CHAMPIONSHIP.

Also:

By Rep. Newman:

H. R. 140. MOURNING THE DEATH OF RENON BOX HOLLIS OF LAMAR COUNTY, ALABAMA.

Also:

By Rep. Newman:

H. R. 141. MOURNING THE DEATH OF NELLIE GREG BROCK OF FAYETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 142. MOURNING THE DEATH OF MARVIN YERBY OF LAMAR COUNTY, ALABAMA.

Also:

By Rep. Newman:

H. R. 143. MOURNING THE DEATH OF MEREDITH PENNINGTON COLLINS OF FAYETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 144. MOURNING THE DEATH OF JESSIE LEE BARNES, OF SULLIGENT, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Rains:

H. J. R. 145. COMMENDING MR. AND MRS. FRANK SEGO ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

WHEREAS, it is with a sense of great pleasure that the Legislature of Alabama marks the occasion of the 25th wedding anniversary of Mr. and Mrs. Frank Sego of Montgomery, Alabama and

WHEREAS, Frank and Evelyn Sego were joined in wedlock in Birmingham on February 22, 1964; the ceremony was performed by Dr. Harold Martin, a former Methodist minister and past Chairman of the Board of Education; and

WHEREAS, Mr. and Mrs. Sego's marriage has been blessed by the birth of their daughter, Frances Michielle, on August 29, 1965; and

WHEREAS, after a quarter of a century of marriage it is clearly evident by their conduct and appearances that they are as devoted to each other today as they were on their wedding day, when the twain became one; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. and Mrs. Frank Sego upon the occasion of their silver wedding anniversary and do wish them many more years of marital bliss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Frank Sego with our best wishes and warmest personal regards.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 145, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 146. COMMENDING MR. AND MRS. FRANK SEGO ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley Budget Isolation Resolution relating to H. B. 517, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Bugg, Buskey (JE), Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Gaston, Goodwin, Grouby, Hamilton, Headley, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McKee, Newton (D), Payne, Perdue, Petelos, Starkey, Thomas, White (F), White (G), White (L), Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 517. Relating to Henry County, amending Act No. 81-913, H. 7, 1981 First Special Session, which provides for an expense allowance for members of the county commission, so as to provide further for said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Gaston, Goodwin, Grouby, Hamilton, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McKee, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Starkey, Thomas, White (F), White (G), White (L), Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Cosby, Hooper, Thomas, and Bryant:

H. J. R. 147. COMMENDING THE SELMA HOUSING AUTHORITY AS A PUBLIC HOUSING AGENCY PERFORMANCE AWARD WINNER.

WHEREAS, the Legislatures of Alabama, with great pride and pleasure, congratulates the Selma Housing Authority as the recipient of a Sustained Performance Award in the U.S. Department of Housing and Urban Development's (HUD) Region IV 1988 Public Housing Agency Performance Award Program; and

WHEREAS, Mr. Richard W. Compton, Deputy Regional Administrator of the HUD Atlanta Regional Office, in announcing the award, cites the Selma Authority and its leadership for outstanding overall performance for the three-year period since the 1985 implementation of the awards program; and

WHEREAS, with the initiation of the program, it was the purpose of HUD to recognize those Housing Authorities which excel in the management of their authorities, thereby helping to create opportunities for public housing residents, and we are united in our praise of the Selma authority as a winner in the Sustained Performance category; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Selma Housing Authority for extraordinary achievement, and do further direct that copies of this resolution be provided for presentation on March 9, 1989, to Mayor Joe Smitherman, Elliott Speed, Executive Director of SPHA; and to the Board of Commissioners and resident organizations who so greatly contributed to the authority's outstanding performance.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

By Rep. Laird:

H. J. R. 148. CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE STATE CAPITOL RENOVATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative oversight committee to study the renovation of the State Capitol. The committee shall be composed of 5 members of each house, membership to be as follows: one appointed by the Speaker of the House of Representatives, one appointed by the Lieutenant Governor, two appointed by the Governor, two elected by the House of Representatives, two elected by the Senate and the chairman and vice chairman of the Legislative Council. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the renovation of the State Capitol building, surroundings, grounds and appurtenances.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,500.00.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 148, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 149. COMMENDING JASON KELLEY OF PICKENS COUNTY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Layson:

H. R. 150. COMMENDING THE ALICEVILLE HIGH SCHOOL SCHOLARS BOWL TEAM AS PICKENS COUNTY CHAMPIONS.

Also:

By Rep. Layson:

H. R. 151. COMMENDING HERBERT L. LAVENDER, PRINCIPAL OF ALICEVILLE HIGH SCHOOL.

Also:

The following resolutions were introduced:

By Rep. Dillard:

H. J. R. 152. HONORING COACH ROYAL CARPENTER OF HATTON HIGH SCHOOL, TOWN CREEK, ALABAMA.

WHEREAS, in united praise, the Legislature of Alabama, joins the Town Creek community in congratulating Royal Carpenter on his distinguished coaching tenure for the past twenty years at Lawrence County's Hatton High School; and

WHEREAS, Coach Carpenter was honored on February 11, 1989, with a special twenty-year anniversary celebration following the Hatton Hornets' 76-66 victory over Lexington High School which gave Royal Carpenter his 341st basketball victory, an all-time record for Lawrence County coaches; and

WHEREAS, on hand to salute Coach Carpenter were numerous former teammates, coaches and players, all of whom attest to the positive and favorable impact Royal Carpenter has had on their lives through acts of personal concern, wise counsel and freely-given friendship; and

WHEREAS, Coach Carpenter is himself a former basketball star at Hatton High who was a starting guard on the HHS 1964 2A State Championship team and was selected All-County, All-Area, All-Region and All-State; he then starred for two seasons at Northwest Junior College and finished his collegiate career at the University of North Alabama; and

WHEREAS, while at Hatton High School, his first coaching position after receiving his degree, Coach Carpenter has coached seven All-State players; four of his former players are coaches in Lawrence County, three of whom are head coaches; two of his players have been in the basketball

All-Star game; and more than seventy of his players have been named All-County and All-Area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and contributions to high school athletics, we hereby commend Royal Carpenter of Hatton High School, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Dillard, the rules were suspended and the resolution, H. J. R. 152, was adopted.

Also:

By Reps. Penry, Harper, and McMillan:

H. J. R. 153. URGING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ADOPT AND IMPLEMENT THE NATIONAL ENERGY STRATEGY PROPOSED BY THE SOUTH/WEST ENERGY COUNCIL.

WHEREAS, Alabama is a member of the South/West Energy Council, an organization of eight energy producing states concerned with the energy issues facing the United States; and

WHEREAS, the State of Alabama believes that the President of the United States and the United States Congress must aggressively implement a national energy strategy; and

WHEREAS, the State of Alabama believes that energy is the key to assuring a viable economy and a strong national defense and to sustaining the American way of life; and

WHEREAS, the South/West Energy Council has adopted a national energy strategy that covers crude oil, coal, natural gas, renewable energy sources, electricity, and the conservation of energy; and

WHEREAS, the goal of the South/West Energy Council's national energy strategy is to provide a stable supply of reasonably-priced energy in an efficient and environmentally-sound manner to meet the needs of United States citizens and of the economy and national security interests of the United States; and

WHEREAS, the long term goal of the South/West Energy Council's national energy strategy is the energy independence of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support of the national energy strategy proposed by the South/West Energy Council and urge the President of the United States and the United States Congress to adopt and implement the proposal as the nation's energy strategy.

BE IT FURTHER RESOLVED, That copies of this resolution with the attached National Energy Strategy be forwarded to President Bush and to the Alabama Congressional Delegation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 153, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 154. COMMENDING EDYTHE DAFFIN WHITE OF JACKSON, ALABAMA, ZETAS' WOMAN OF THE YEAR.

WHEREAS, the Legislature of Alabama, in consensus of commendation, congratulates Edythe Daffin White of Jackson, Alabama, as Zetas' Woman of the Year, a prestigious honor bestowed by Beta Upsilon Zeta Chapter of Zeta Phi Beta Sorority; and

WHEREAS, Ms. White, a 1949 initiate of Zeta Phi Beta at Alabama State University, has remained active in sorority affairs and has further assumed a vital role in community leadership; and

WHEREAS, as the first woman ever elected to the City Council of Jackson, Alabama, Ms. White has served continuously in that position since 1985 and, in 1988, was re-elected without opposition; and

WHEREAS, Ms. White, who is a fifth and sixth grade Chapter I teacher at Jackson Middle School, also teaches adult basic education classes and was the first ABE teacher in Jackson, and

WHEREAS, further, she currently serves as president of the Women's Progressive Club; on the nominating committee of the Alabama Federation of Colored Women and Youth Clubs, Inc.; as vice president of the Women's District Convention; as a member of Eastern Star, Golden Circle, Cyrene Crusader, and the local and state ADC; and is director of the Jackson Area Mass Choir; and

WHEREAS, her involvement in the community extends to include numerous activities at St. Union Baptist Church where she is clerk, Sunday School teacher, counselor for the Young Matrons, choir member, instructor and song leader of the Free Mission District Women Convention, District Sunday School and BTU Congress; and

WHEREAS, Edythe Daffin White is indeed to be praised for outstanding achievement and community contributions, and is to be congratulated on her selection as Zetas' Woman of the Year and as the recipient of numerous other awards and distinctions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Edythe Daffin White of Jackson, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 154, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 155. HONORING DOT BOSTROM OF JACKSON, ALABAMA, AS 1988 CITIZEN OF THE YEAR.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Dot Bostrom of Jackson, Alabama, who has been named 1988 Citizen of the Year by the Jackson Civitan Club in recognition of her many outstanding contributions to the community; and

WHEREAS, Mrs. Bostrom who has served in dedicated commitment for many years and in various volunteer capacities, is most particularly faithful in service to the Clarke County Association for Retarded Citizens Activity Center, visiting the center on a weekly basis to teach a Bible study for CCARC clients, many of whom also attend Mrs. Bostrom's Sunday Exceptional Class at First Baptist Church which she has taught for more than twenty-five years; and

WHEREAS, "Big Mama," as she is affectionately called by family members and friends, also is involved with activities of the Sunshine Garden Club, the Jackson Homemaker's Extension Club, Jackson Arts and Crafts Association, her church choir, Alabama Porcelain Art Club and the International Teachers Association; and

WHEREAS, Dot Bostrom, although a native of Jackson, now makes her home in the county; the center of her interests, however, remain in Jackson, and the citizens thereof are grateful for her continuing contributions to the well-being of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, we hereby commend Jackson's 1988 Citizen of the Year, Mrs. Dot Bostrom, and do further direct that she receive a copy of this resolution of highest esteem.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 155, was adopted.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Black, Budget Isolation Resolution relating to H. B. 72, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Curry, Dillard, Flowers, Goodwin, Grouby, Hamilton, Headley, Hill, Holmes, Kennedy, Knight, Laird, Layson, Logan, Marks, Mathis, McMillan, Payne, Penry, Petelos, Starkey, Walker, White (F), White (G), White (L), Williams and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the

municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Clark (W), Curry, Dillard, Goodwin, Gray, Hamilton, Headley, Hill, Hogan, Holmes, Kennedy, Knight, Laird, Layson, Logan, Marks, Mathis, McMillan, Parker, Payne, Penry, Petelos, Starkey, Thomas, Walker, White (F), White (G), White (L), Williams and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black Budget Isolation Resolution relating to H. B. 492, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Curry, Dillard, Ford, Goodwin, Gray, Hamilton, Haynes, Headley, Hill, Holmes, Johnson (RG), Kennedy, Knight, Layson, Logan, Marks, Payne, Petelos, Starkey, White (F), White (G), White (L), Williams, and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 492. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes

therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-619 of the 1987 Regular Session and Act No. 88-444 of the 1988 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Curry, Davis, Dillard, Flowers, Ford, Gaston, Goodwin, Gray, Hamilton, Harvey, Haynes, Headley, Higginbotham, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Mathis, McClain, McDowell, McMillan, Mikell, Payne, Penry, Petelos, Poole, Rogers, Starkey, Thomas, Turnham, White (F), White (G), White (L), Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Black Budget Isolation Resolution relating to H. B. 493, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Cosby, Curry, Davis, Dillard, Ford, Gaston, Goodwin, Gray, Hamilton, Haynes, Headley, Hill, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Parker, Payne, Petelos, Poole, Rogers, Starkey, Thomas, White (G), Williams and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 493. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes

therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session and Act No. 88-442 of the 1988 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Curry, Davis, Dillard, Ford, Goodwin, Hamilton, Headley, Hill, Holmes, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, Melton, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, White (F), White (G), White (L), Williams and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 156. COMMENDING FRED DUGGER OF GADSDEN, ALABAMA, FOR DISTINGUISHED CIVIC CONTRIBUTIONS AND SERVICE.

WHEREAS, Fred Dugger of Gadsden, Alabama, has been active in service to the East Gadsden Lions Club and Lions International for the past 23 years, working on the local level in communications and public relations, and through involvement with the many local projects of the East Gadsden Club; and

WHEREAS, he also was elected to Lions Club International Board of Directors for Alabama District 34; served from 1974 to 1975 as district governor; was elected council chairman for 1975-76 and 1976-77; and served as Lions Club state secretary for ten years, working out of its office in the Alabama Eye Foundation Hospital in Birmingham; and

WHEREAS, as state secretary for the ten-year period prior to November 1988, Mr. Dugger traveled extensively throughout the United States and Canada, and his service to Lions has indeed been significant, as well as his commitment to the club's five major projects related to sight, youth, community, diabetes, and camp for boys and girls; and

WHEREAS, we further note that Fred Dugger was honored by his club with a special "Fred Dugger Day" banquet, February 20, 1989, with fellow Lions from throughout Alabama traveling to Gadsden to pay tribute to Mr. Dugger's long years of exemplary service and dedication to the East Gadsden Club and Lions International; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are united in commendation of Fred Dugger of Gadsden, Alabama, for outstanding civic contributions and service, and direct that he receive a copy of this resolution of highest tribute and praise.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 156, was adopted.

Also:

By Reps. Kennedy, Clark (W), and Buskey (JE):

H. J. R. 157. MOURNING THE DEATH OF FRED SIGLER OF MOBILE, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of Fred (Freddie) Sigler of Mobile, Alabama, for whom eulogistical services were held on November 25, 1988; and

WHEREAS, a native of Hybart, Alabama, and the youngest child of the late Mrs. Mary Jane Sigler, Mr. Fred Sigler was also preceded in death by six brothers and one sister; and

WHEREAS, an early confessor of Christ and a member of the Lutheran Church, Mr. Sigler was a former employee for several years of the United States Conservation Corps in Brewton, and retired in 1978 following a career for 38 years with the Alabama Dry Docks and Shipbuilding Company, Pinto, Alabama, near Mobile; and

WHEREAS, he was a member of the AFL-CIO Union Local No. 18, and of the Mount Zion Baptist Church for more than 45 years where he was a faithful member of the Sunday School and a founding member of the Young Men's Progressive Club; and

WHEREAS, in addition to a loving and devoted wife, Mrs. Charlotte Malone Sigler, Mr. Sigler is survived by his son and daughters, Cab Calloway (Theresa) Sigler, Aida Revis, Roselita (Michael) Smalley and Brenda Sigler, all of whom were graduates of historic Center High School and of Alabama State University, Dillard University and Tuskegee University, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life Fred (Freddie) Sigler of Mobile, Alabama, and do further direct that a copy of this resolution be forwarded to his wife and children; to his six grandchildren; and to other family members and friends that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 157, was adopted.

Also:

By Reps. Kennedy, Clark (W), and Buskey (JE):

H. J. R. 158. MOURNING THE DEATH OF MARIE LORRAINE TAYLOR OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Marie Lorraine Taylor of Mobile, Alabama, on October 15, 1988, at the early age of just 40 years; and

WHEREAS, a native of Mobile and the youngest child of the Reverend and Mrs. Leon (Portia) Taylor, Marie Lorraine Taylor was educated at Williamson High School and received her L.P.N. license from Southwest State Technical College; and

WHEREAS, Ms. Taylor, a devoted Christian, united with the Revelation Missionary Baptist Church at an early age; she was baptized by the late Reverend N. J. Matthews and she was a faithful member of the Matrons and Matthews Chorus; and

WHEREAS, a reflection of Ms. Taylor's caring concern for others was her chosen career in the field of nursing whereby she tenderly ministered to the sick, the frail, the feeble, and it is thus that she was mindful of His words, "Inasmuch as ye have done it unto one of the least of these . . ."; and

WHEREAS, in addition to her devoted parents, Ms. Taylor is survived by her beloved daughters, Mrs. Kendra (Samuel) Ayler, Jr., Ms. Jennifer Taylor and Ms. Alpha Taylor; a sister, Mrs. Esther (Nathaniel) Harrell; brothers, Mr. Leon (Alvetta) Taylor, Jr., and Mr. Paul Taylor; by her adopted sister, Mrs. Jessie (Charleston) Lewis; and other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Marie Lorraine Taylor of Mobile, Alabama, and extend sincere and deepest sympathy to all her family, in whose hearts her memory forever lives, and for whom a copy of this resolution of condolence shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 158, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 149, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Brooks, Bryant, Burke, Buskey (JE), Carter, Clark (W), Curry, Dillard, Ford, Gaston, Goodwin, Grouby, Headley, Hill, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, Mikell, Moon, Newman, Payne, Petelos, Sanderford, Starkey, Thomas, Turner, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Brooks, Bryant, Burke, Buskey (JE), Carter, Clark (W), Curry, Dillard, Ford, Gaston, Goodwin, Grouby, Hamilton, Headley, Johnson (R.G), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, Mikell, Moon, Newman, Payne, Petelos, Sanderford, Starkey, Thomas, Walker, White (F), White (G) and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 159. COMMENDING BILL McNAIR OF THOMASVILLE HIGH SCHOOL, STATE 3A COACH OF THE YEAR.

Also:

By Rep. Blakeney:

H. R. 160. CONGRATULATING MR. AND MRS. JAMES AUDLEY FOREHAND ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Rep. Blakeney:

H. J. R. 161. CONGRATULATING THOMASVILLE HIGH SCHOOL, THOMASVILLE, ALABAMA, AS OUR STATE 3A FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Coach Bill McNair and his Thomasville High School Tigers on their 1988 State 3A Football Championship; and

WHEREAS, under the talented leadership of Head Coach McNair and Assistant Coaches Clint Floyd and Donnie Fendley, the Thomasville Tigers roared to a spectacular 9-1 regular season record, including four shutouts; they then polished off Chatom (26-0), Elmore County (21-19), Silas (40-8), Lamar County (44-14) and, in the final game of the Playoffs, swamped West Limestone High, 44-6, for an overall 14-1 record and the State 3A Crown; and

WHEREAS, the Thomasville State Champions are All-State Tyrone Davis, Eric Burroughs and Craig Hodge along with teammates Jim Duncan, Jamey Gaddy, John Newsome, Ken Morris, Felton Burroughs, Dwight Figgers, Alex White, Henri Christian, Bryan Edwards, Kevin Byrd, Bryan Williams, Jeff Drinkard, Nelson Westbrook, Dewitt Atkins, Eddie Lee Jones, George Parten, Eric Smith, Brian Kirkland, Billy Woods, Randy Knight, Chad Ott, Cedric Bates, Tony Woods, Chris Eriksen, Scott Andrews, Greg Hulsey, Dwayne Johnson, Justin Campbell, Freddie Burroughs, Kelvin Costen, Donald Joiner, Alex Landrum, Derrick Gwin, Keith Thompson, Jemar Austin, Reginald Williams, Patrick Gamble, Karl Jones, Shane Anderson, Tim White and Chuck Bates; and

WHEREAS, also to be praised for their support and encouragement throughout the season are cheerleaders Beth McClurkin (Captain), Ann Marie Corgill and Val Hudson (Cocaptains) along with Janearle Brown, Donna Cave, Bettye McCall, Angie Patrick, Jennifer Coxwell, Rachelle Harrison, Keri Hill, Starr Walker, Amy Cornelius and Joyce Woods, as well as Trey Ezell (Mascot) and Sponsor Gay McNair; those serving as managers were Chris Owes, Roderick Woods, Godfrey Lewis and Randall Kirkland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as Alabama's State 3A Football Champions, we hereby most highly commend and congratulate the Thomasville High School Tigers and do further direct that copies of this resolution be forwarded to Principal Ted Cornelius and Superintendent David E. Hulsey for appropriate presentation and school display.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 161, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 162. MOURNING THE DEATH OF WAYNE KELLEY OF COVINGTON COUNTY, ALABAMA.

Also:

By Rep. Hammett:

H. R. 163. COMMENDING DURHAM E. TERRY FOR DISTINGUISHED SERVICE TO THE COVINGTON COUNTY BOARD OF EDUCATION.

Also:

The following resolutions were introduced:

By Rep. Campbell:

H. R. 164. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 28, 1989, we adjourn to meet again on Thursday, March 2, 1989, at 10:00 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 164, was adopted.

Also:

By Rep. Campbell:

H. J. R. 165. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, February 28, 1989, they adjourn to meet again on Thursday, March 2, 1989; and when they adjourn on Thursday, March 2, 1989, they adjourn to meet again on Tuesday, March 7, 1989, and when they adjourn on Tuesday, March 7, 1989, they adjourn to meet again on Thursday, March 9, 1989; and when they adjourn on Thursday, March 9, 1989, they adjourn to meet again on Tuesday, March 21, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Rep. Campbell:

H. R. 166. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 617.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 617, a copy of which is attached to this resolution and made a part hereof by reference:

It is the intent to have the election on the Constitutional Amendment proposed by H. B. 617 at the same time as the Congressional election set for April 4, 1989. Section 284 of the Constitution of Alabama of 1901, as amended by Amendment No. 24, requires that an election on a proposed Constitutional Amendment on a date appointed by the Legislature be set not less than three months after the final adjournment of the session of the Legislature at which the amendment was proposed. Amendment No. 425 does not contain the three-months requirement, only notice of the election by proclamation of the governor to be published once a week for four successive weeks. Do the provisions of Amendment No. 24 or Amendment No. 425 control?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send nine true copies of the pending bill, H.B. 617, to the Clerk of the

Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 166, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 81. CONGRATULATING THE MURPHY HIGH SCHOOL BAND, MOBILE, ALABAMA.

Also:

H. J. R. 91. MOURNING THE DEATH OF DONALD REX ISOM OF ARAB, ALABAMA.

Also:

H. J. R. 94. COMMENDING FREIDA G. MAISEL FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

Also:

H. J. R. 95. COMMENDING WILLIAM T. COE OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 96. COMMENDING DIANE H. GILBERT OF ATHENS, ALABAMA.

Also:

H. J. R. 97. COMMENDING THE REVEREND JOHN CLOTFELTER, PASTOR OF RIDDLE'S CHAPEL UNITED METHODIST CHURCH.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which

relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

With pending amendment offered by Rep. Wright on the sixth legislative day, was taken up.

MOTION TO TABLE LOST

The motion offered by Rep. Cosby to table the amendment offered by Rep. Wright, was lost.

Yeas 26; Nays 35.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JE), Carter, Clark (W), Cosby, Goodwin, Harvey, Hooper, Knight, Marks, McKee, Melton, Mikell, Parker, Walker, Warren, White (G), and White (L).

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Nays:

Reps. Beers, Bryant, Buskey (JL), Coburn, Crow, Curry, Ford, Freeman, Gaston, Gray, Grouby, Hamilton, Haynes, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, McClain, Newman, Payne, Petelos, Poole, Rains, Starkey, Turner, Turnham, Venable, White (F), Willis, Wright and Zoghby.

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SUBSTITUTE AMENDMENT OFFERED

Rep. Wright offered the following substitute amendment to his amendment to the bill, H. 264:

Amend H. B. 264 on page 3. Section 1, line 13 by adding after the word section, the following: an additional fee exemption is granted to individuals or families whose total household annual income is \$9600 or less.

SUBSTITUTE AMENDMENT LOST

And the substitute amendment was lost.

Yeas 28; Nays 33.

Yeas:

Reps. Beers, Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Crow, Curry, Gray, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Logan, McDowell, McMillan, Payne, Petelos, Poole, Rains, Starkey, Turnham, Walker, White (F), Willis and Wright.

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Nays:

Mr. Speaker, Adams, Blake, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Butler, Carothers, Cosby, Freeman, Grouby, Hall, Hamilton, Hammett, Harvey,

Hooper, Laird, Lindsey, Marks, Mathis, McKee, Melton, Mikell, Parker, Penry, Sanderford, Venable, White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 98. COMMENDING BARRY G. BLACK OF ATHENS, ALABAMA.

Also:

H. J. R. 112. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 124. COMMENDING LISA DELAINE DICKMANN OF SPRINGVILLE, ALABAMA, "MISS LOGAN MARTIN."

Also:

H. J. R. 125. COMMENDING AL GRIFFIN OF LINEVILLE HIGH SCHOOL FFA FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 126. COMMENDING THE LINEVILLE HIGH SCHOOL FFA FORESTRY TEAM.

Also:

H. J. R. 127. COMMENDING LAMAR DEWBERRY OF LINEVILLE HIGH SCHOOL FOR DISTINGUISHED RECOGNITION BY NATIONAL FFA.

Also:

H. J. R. 130. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 104. HONORING PHILLIP ALLEN SELLERS, MONTGOMERY'S CITIZEN OF THE YEAR.

Also:

H. J. R. 106. COMMENDING THE GLENN JONES FAMILY OF BLOUNTSVILLE, ALABAMA, AS "FARM FAMILY OF THE YEAR."

Also:

H. J. R. 107. COMMENDING WILLIS H. PITTS OF MOBILE, ALABAMA, ON HIS OUTSTANDING CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

H. J. R. 108. COMMENDING MALCOLM R. HOWELL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 111. COMMENDING JILL TATE MITCHEM FOR OUTSTANDING ACHIEVEMENT AND AS ALBERTVILLE'S 1988 "CITIZEN OF THE YEAR."

Also:

H. J. R. 113. COMMENDING JOHN H. MOSELY OF OZARK, ALABAMA'S 1989 SUPERINTENDENT OF THE YEAR.

Also:

H. J. R. 114. COMMENDING LILLIE JONES FOR OUTSTANDING SERVICE TO THE GADSDEN PUBLIC LIBRARY AND PATRONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Resolution:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

by a majority of the whole number elected to the Senate, by voice vote.

And said Resolution, H. J. R. 60, as amended by the Executive amendment, was again read at length and adopted by a majority of the whole number elected to the Senate, adopted by Voice Vote.

And said Resolution, H. J. R. 60, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

H. 264 RESUMED

The question was again on the amendment offered by Rep. Wright to the bill, H. 264, on the sixth legislative day.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Cosby to indefinitely postpone the amendment offered by Rep. Wright to the bill, H. 264. was lost.

Yeas 32; Nays 36.

Yeas:

Mr. Speaker, Adams, Blake, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Cosby, Drake, Goodwin, Hamilton, Hammett, Harvey, Higginbotham, Hooper, Lindsey, Marks, Mathis, McKee, McMillan, Melton, Mikell, Parker, Penry, Sanderford, White (G), White (L) and Zoghby.

—32

Nays:

Reps. Beers, Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Curry, Ford, Freeman, Gaston, Gray, Grouby, Hall, Haynes, Hogan, Holley, Johnson (RG), Laird, Layson, Logan, McClain, McDowell, Moon, Newman, Payne, Petelos, Poole, Rains, Starkey, Turnham, Venable, Walker, White (F), Willis and Wright.

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AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Wright to the bill, H. 264, and the amendment was adopted.

Yeas 44; Nays 31.

Yeas:

Reps. Adams, Beers, Black, Blakeney, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Crow, Curry, Dillard, Drake, Freeman, Gaston, Gray, Grouby, Hall, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Logan, McClain, McDowell, McMillan, Melton, Moon, Payne, Penry, Petelos, Poole, Rains, Rogers, Starkey, Walker, White (F), Willis and Wright.

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Nays:

Mr. Speaker, Blake, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Cosby, Goodwin, Hamilton, Hammett, Higginbotham, Hooper, Lindsey, Marks, Mathis, McKee, Mikell, Newman, Newton (C), Parker, Sanderford, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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MOTION TO CARRY OVER

Rep. Turner offered the motion to carry over the bill, H. 264, as amended, to the thirtieth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Cosby to table the motion to carry over offered by Rep. Turner, was lost.

Yeas 35; Nays 43.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Burke, Butler, Campbell, Carothers, Carter, Cosby, Dillard, Fuller, Goodwin,

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Hamilton, Hammett, Higginbotham, Hogan, Hooper, Lindsey, Marks, Mathis, McDowell, McKee, Mikell, Parker, Sanderford, Warren, White (G), Williams and Zoghby.

—35

Nays:

Reps. Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Curry, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Haynes, Hills, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, McClain, McMillan, Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Rogers, Starkey, Thomas, Turner, Venable, Walker, White (F), White (L), Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 99. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAs.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality

or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

H. 264 RESUMED

The question was again on the motion offered by Rep. Turner to carry over the bill, H. 264 as amended, to the thirtieth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. Venable offered the substitute motion to carry over the bill, H. 264 as amended, to the fifteenth legislative day.

SUBSTITUTE TO SUBSTITUTE MOTION LOST

The substitute to substitute motion offered by Rep. Rains to indefinitely postpone the bill, H. 264 as amended, was lost.

Yeas 32; Nays 44.

Yeas:

Reps. Bryant, Buskey (JE), Buskey (JL), Crow, Curry, Davis, Frazier, Freeman, Gaston, Hall, Haynes, Holley, Holmes, Johnson (RG), Kennedy, Kvalheim,

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Laird, Logan, Moon, Newman, Payne, Petelos, Poole, Rains, Rogers, Sanderford, Turner, Walker, White (F), White (L), Willis and Wright.

—32

Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Cosby, Dillard, Flowers, Goodwin, Grouby, Hamilton, Hammett, Higginbotham, Hogan, Hooper, Johnson (RW), Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newton (C), Parker, Penry, Slaughter, Starkey, Venable, Warren, White (G), Williams and Zoghby.

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SUBSTITUTE MOTION ADOPTED

The question was again on the substitute motion offered by Rep. Venable to carry over the bill, H. 264 as amended, to the fifteenth legislative day, and the motion was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nay: Rep. Rains.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Goodwin and Corbett:

S. J. R. 32. EXPRESSING OPPOSITION TO THE USE OF FEDERAL MOTOR FUEL TAX INCREASES TO REDUCE THE BUDGET DEFICIT.

Also:

By Senator Smith (B):

S. J. R. 40. COMMENDING ALABAMA GOVERNOR GUY HUNT AND GEORGE C. MARSHALL SPACE FLIGHT CENTER DIRECTOR

JAMES R. THOMPSON, JR., FOR THEIR MEMORANDUM OF UNDERSTANDING WHICH STATES THAT THE GEORGE C. MARSHALL SPACE FLIGHT CENTER WILL ACTIVELY TRANSFER TECHNOLOGY TO THE PRIVATE SECTOR IN ALABAMA.

Also:

By Senators Bennett and Cabaniss:

S. J. R. 50. COMMENDING THE HOMEWOOD HIGH SCHOOL BAND.

Also:

By Senator Goodwin:

S. J. R. 51. MEETING DAYS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 32, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Butler, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. White (G), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 50, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 51, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hilliard:

S. J. R. 46. DIRECTING THAT ENTITIES OCCUPYING SPACE IN THE ALABAMA STATE HOUSE PAY RENT RETROACTIVE TO JANUARY 1, 1986.

WHEREAS, private and public entities occupy space in the Alabama State House; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all entities, both private and public, that occupy space in the Alabama State House shall pay rent, retroactive to January 1, 1986.

BE IT FURTHER RESOLVED, That the Director of Finance immediately bill, charge and collect from all entities, private or public, occupying

space in the State House a pro-rata share for its use, retroactive to January 1, 1986, and thereafter, on a monthly basis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 46, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 118. NAMING THE NEW SOUTHSIDE BRIDGE OVER THE COOSA RIVER JOINING RAINBOW CITY AND SOUTHSIDE, IN ALABAMA, THE "JOE. M. FORD BRIDGE."

McDOWELL LEE,
Secretary.

Amend H. J. R. 118 page 1 Line 17, as follows: Strike "Joe M. Ford Bridge" and add "The Southside Bridge" and on Line 21 after the word "the" strike "Joe M. Ford Bridge" and add "The Southside Bridge, dedicated to the Citizens of Rainbow City and Southside. Special recognition is given to State Representative Joe M. Ford for his leadership and efforts in helping to obtain funds in the construction of this bridge.

SENATE MESSAGE

Rep. Bugg offered the motion that the House non-concur in the Senate amendment to the resolution, H. J. R. 118, said Senate amendment set out in the above and foregoing Message from the Senate, and request a Committee on Conference.

SUBSTITUTE MOTION ADOPTED

Rep. Harvey offered the substitute motion that the House concur in the Senate amendment to the resolution, H. J. R. 118, and the substitute motion was adopted.

Yeas 8; Nays 2.

Yeas:

Reps. Beasley, Carter, Ford, Gray, Johnson (RW), Knight, Turnham and White (F).

—8

Nays: Reps. Bugg and Holmes.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 60. CREATING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO ADDRESS THE CRISIS OF RURAL OBSTETRICAL SERVICES AND THE SURVIVAL OF RURAL HOSPITALS.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 99. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 98. COMMENDING BARRY G. BLACK OF ATHENS, ALABAMA.

Also:

H. J. R. 112. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 124. COMMENDING LISA DELAINE DICKMANN OF SPRINGVILLE, ALABAMA, "MISS LOGAN MARTIN."

Also:

H. J. R. 125. COMMENDING AL GRIFFIN OF LINEVILLE HIGH SCHOOL FFA FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 126. COMMENDING THE LINEVILLE HIGH SCHOOL FFA FORESTRY TEAM.

Also:

H. J. R. 127. COMMENDING LAMAR DEWBERRY OF LINEVILLE HIGH SCHOOL FOR DISTINGUISHED RECOGNITION BY NATIONAL FFA.

Also:

H. J. R. 130. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 81. CONGRATULATING THE MURPHY HIGH SCHOOL BAND, MOBILE, ALABAMA.

Also:

H. J. R. 91. MOURNING THE DEATH OF DONALD REX ISOM OF ARAB, ALABAMA.

Also:

H. J. R. 94. COMMENDING FREIDA G. MAISEL FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP.

Also:

H. J. R. 95. COMMENDING WILLIAM T. COE OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 96. COMMENDING DIANE H. GILBERT OF ATHENS, ALABAMA.

Also:

H. J. R. 97. COMMENDING THE REVEREND JOHN CLOTFELTER, PASTOR OF RIDDLE'S CHAPEL UNITED METHODIST CHURCH.

Also:

H. J. R. 104. HONORING PHILLIP ALLEN SELLERS, MONTGOMERY'S CITIZEN OF THE YEAR.

Also:

H. J. R. 106. COMMENDING THE GLENN JONES FAMILY OF BLOUNTSVILLE, ALABAMA, AS "FARM FAMILY OF THE YEAR."

Also:

H. J. R. 107. COMMENDING WILLIS H. PITTS OF MOBILE, ALABAMA, ON HIS OUTSTANDING CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

H. J. R. 108. COMMENDING MALCOLM R. HOWELL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 111. COMMENDING JILL TATE MITCHEM FOR OUTSTANDING ACHIEVEMENT AND AS ALBERTVILLE'S 1988 "CITIZEN OF THE YEAR."

Also:

H. J. R. 113. COMMENDING JOHN H. MOSELY OF OZARK, ALABAMA'S 1989 SUPERINTENDENT OF THE YEAR.

Also:

H. J. R. 114. COMMENDING LILLIE JONES FOR OUTSTANDING SERVICE TO THE GADSDEN PUBLIC LIBRARY AND PATRONS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. J. R. 118 RESUMED

And the resolution, H. J. R. 118 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Eillis (With Notice and Proof):

S. 131. Relating to the City of Pelham in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term and power of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hand (With Notice and Proof):

S. 340. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 340, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 131. Local Legislation No. 1.

S. 340. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Smith (J), Bedford, Covington, Corbett, Horn, Drinkard, Goodwin, Denton, Langford, Manley, Barron, Bailey, Mitchem, Amari, Hand, Hale, Bennett, Bedsole, Preuitt, Hilliard, Parsons, Campbell, Dixon, Ellis, and Foshee:

S. 308. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 308, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 336. To create the Alabama Community Service Grant Program, from which the program objectives of state agencies shall be advanced by the awarding of grant funds by designated state agencies to qualifying community agencies, organizations, institutions and projects within the State of Alabama; to provide that such grant funds shall be appropriated by the Legislature to state departments and agencies; to establish criteria by which such grants shall be awarded; to establish the authority and responsibilities of the heads of grant-making agencies; to provide for an effective date; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 336. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 9. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Manley:

S. 321. To require county governing bodies to establish precincts based on clearly visible, definable and observable physical boundaries based on U.S. Census Bureau criteria not later than June 1, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts to the probate judge, board of registrars and the Joint Legislative Task Force on Reapportionment; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections as may be supplemented by the provisions of any local election laws or by the electronic vote counting statutes; to provide for the posting of boundaries of precincts and voting places and for the changing of precinct boundaries and changes in places of voting; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U.S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county and state agencies and officials with the Reapportionment Task Force; to prescribe penalty for failure to comply with this act; to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective June 1, 1989; and to state specifically that the provisions of this act shall have no effect on the conduct of municipal elections or on the general or local municipal election statutes in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 321. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Smith (J), Bedford, Covington, Corbett, Horn, Drinkard, Goodwin, Denton, Langford, Manley, Barron, Bailey, Mitchem, Amari, Hand, Hale, Bennett, Bedsole, Preuitt, Hilliard, Parsons, Campbell, Dixon, Ellis, and Foshee:

S. 309. To implement Senate Bill 308 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 309. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 19. To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 19. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Ellis, Hale, and Bedsole:

S. 69. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

Also:

By Senators Bedford, Bennett, Covington, and Bailey:

S. 136. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as

to increase the number of days a parolee may be held awaiting the arrival of a warrant.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 69. Agriculture, Forestry and Natural Resources.

S. 136. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Dixon, Hale, Drinkard, Mitchem, Barron, Foshee, Bailey, Preuitt, Bennett, Ellis, and Langford:

S. 117. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

Also:

By Senator Foshee:

S. 216. To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

S. 117. Ways and Means.

S. 216. Agriculture, Forestry and Natural Resources.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended to take up out of order the Budget Isolation Resolution and the bill, H. 480.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams Budget Isolation Resolution relating to H. B. 480, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Britnell, Brooks, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Gaston, Gray, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Moon, Newton (C), Payne, Petelos, Poole, Rains, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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And the bill:

H. 480. To validate, ratify and confirm the action of any county governing body in authorizing, adopting, levying, assessing, collecting and enforcing any excise, privilege or license tax levied, assessed, collected and enforced on the effective date hereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, BLake, Blakeney, Bowling, Box, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newton (C), Penry, Petelos, Poole, Rains, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

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Delivered to the Governor at 2:00 P.M. on February 28, 1989.

H. 180	H. 235
H. 184	H. 236
H. 185	H. 237
H. 186	H. 278
H. 189	H. 279
H. 190	H. 226
H. 192	H. 227
H. 194	H. 228
H. 195	H. 222
H. 197	H. 223
H. 199	H. 225
H. 200	H. J. R. 119
H. 210	H. 229
H. 219	H. 231
H. 221	H. 232
H. 233	

Delivered to the Governor at 5:13 P.M. on February 28, 1989.

H. J. R. 60 (EXECUTIVE AMENDMENT)	H. J. R. 94
H. J. R. 99	H. J. R. 95
H. J. R. 98	H. J. R. 96
H. J. R. 112	H. J. R. 97
H. J. R. 124	H. J. R. 104
H. J. R. 125	H. J. R. 106
H. J. R. 126	H. J. R. 107
H. J. R. 127	H. J. R. 108
H. J. R. 130	H. J. R. 111
H. J. R. 81	H. J. R. 113
H. J. R. 91	H. J. R. 114

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Turnham and pursuant to the resolution, H. R. 164, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 2, 1989.

NINTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 2, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Russell Whatley, Minister of Youth, Pineview Baptist Church, Thomasville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jerry Hudson, Carbon Hill, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

SPECIAL ORDER RESUMED

The House resumed with the Special Order Calendar adopted on the eighth legislative day.

LEAVE OF ABSENCE GRANTED

On motion of Rep. Petelos, leave of absence was granted for Rep. Biddle and Rep. Seibels due to illness.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 113, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Britnell, Brooks, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, White (G), White (L), Willis and Zoghby.

—55

And the bill:

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Brooks, Buskey (JE), Campbell, Carter, Clark (W), Crow, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Venable, White (G), White (L), Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler Budget Isolation Resolution relating to H. B. 45, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Breedlove, Brooks, Buskey (JL), Campbell, Carothers, Carter, Crow, Curry, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Venable, Warren, White (G), White (L), Williams and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 118. NAMING THE NEW SOUTHSIDE BRIDGE OVER THE COOSA RIVER JOINING RAINBOW CITY AND SOUTHSIDE, IN ALABAMA, THE "JOE M. FORD BRIDGE."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 45. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to provide for a license year of from August 1 to July 31 of each year for those hunting or fishing licenses provided for in Sections 9-11-44 or 9-11-53, Code of Alabama 1975, as last amended; and to provide for the license years to which said amendatory provisions apply.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Breedlove, Brooks, Burke, Buskey (JL), Campbell, Carothers, Carter, Crow, Dillard, Ford, Gaston,

REGULAR SESSION
9th Day

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Goodwin, Grouby, Hammett, Harvey, Haynes, Headley, Higginbotham, Holmes, Hooper, Johnson (RG), Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

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Nay: Rep. Holley.

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Curry would have voted "Yea" on the bill, H. 45, had he been in the Chamber at the time of voting.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton, Budget Isolation Resolution relating to H. B. 82, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Breedlove, Brooks, Burke, Buskey (JL), Campbell, Carter, Crow, Curry, Dillard, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 82. To authorize the state of Alabama to purchase a blanket bond to cover all notaries public within state government, to provide for the termination of an employee's notary commission upon separation from state government, to require notification, and to relieve the probate judge of certain liability.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beers, Breedlove, Brooks, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Crow, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains,

Richardson, Sanderford, Spratt, Starkey, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 334.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson Budget Isolation Resolution relating to H. B. 334, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Crow, Curry, Dillard, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Sanderford, Spratt, Starkey, Thomas, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

And the bill:

H. 334. To propose an amendment to the Constitution of Alabama of 1901, relating to Pickens County, so as to provide for the imposition of an additional \$10.00 in court costs for each case filed in circuit and district courts in Pickens County with the revenue therefrom to be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses; to provide for retroactive effect to April 19, 1982; to provide for the ratification of any fees or costs collected and expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature; and to provide that no further enabling legislation shall be necessary for the execution of this amendment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Coburn, Crow, Curry, Dillard, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McKee, McMillan, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Spratt, Starkey,

Thomas, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 509.

H. 509 RE-REFERRED

Pursuant to House Rule 33, the Speaker re-referred the bill, H. 509, to the Standing Committee on Local Government.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kennedy, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. R. 167. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kennedy, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. J. R. 168. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Eugene Burnie Cooke of Mobile, Alabama, and for whom eulogistical services are being held March 2, 1989; and

WHEREAS, a native of Pine Hill, Alabama, Mr. Cooke was a graduate of Arlington Academy, Annemanie, Alabama; earned the Associate degree from Bishop State College; and was awarded the B.S. degree from Alabama State University; and

WHEREAS, Mr. Cooke was a prominent Mobile businessman who, for some thirty years, was owner and operator of the Royal Living Room, a very popular nightclub that was widely known throughout the Mobile area; and

WHEREAS, he also was prominent in civic and community leadership as a member and through activities of Kappa Alpha Psi and the Elks Lodge,

and was a member of the Board of Trustees of Lilly Baptist Church in Mobile; and

WHEREAS, Eugene Burnie Cooke was indeed a beloved member of the community and his loss is the source of consuming grief to his beloved family and countless friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Eugene Burnie Cooke of Mobile, Alabama, and extend our very deepest sympathy to his children, Carolyn Cooke Rhodes and Eugene Burnie Cooke, Jr.; to his grandchildren, Calvin Anthony Cooke, Robert Anthony Rhodes, Jr., and Daniel Christopher Cooke; and to his many relatives and friends, for whom a copy of this resolution shall be provided that they all may know of our shared sorrow in their great and inconsolable loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 168, was adopted.

COMMITTEE APPOINTED

The Speaker of the House named as the Committee on Conference, on the part of the House, Reps. Harper, Campbell and White (G), on the disagreement of the two Houses on the Senate amendment to the bill, H. 246.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Drinkard, Mitchem, and Horn.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 88. COMMENDING TOMMY ODUM OF CITRONELLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 89. COMMENDING MARK NELSON CRADDOCK FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

McDOWELL LEE,
Secretary.

H. 586 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 586, from the Standing Committee on State Administration to the Standing Committee on Judiciary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Hooper, the Budget Isolation Resolution and the bill, H. 308, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford Budget Isolation Resolution relating to H. B. 35, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Brooks, Campbell, Carothers, Carter, Coburn, Curry, Dillard, Ford, Gaston, Goodwin, Grouby, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Kennedy, Knight, Laird, Logan, Marks, McClain, McDowell, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), Willis, Wright and Zoghby.

—55

And the bill:

H. 35. (With Amendment): To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alteration procedure which creates an agency relationship between related banks.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

AMEND H. B. 35 on Page 1, Line 31, after the word "an" by striking the word ~~alteration~~ and inserting in lieu thereof the word alternative

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Ford, Gaston, Goodwin, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Kennedy, Knight, Laird, Logan,

Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), Willis, Wright and Zoghby.

—60

And the bill:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brooks, Burke, Buskey (JL), Campbell, Carothers, Carter, Crow, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Williams Budget Isolation Resolution relating to H. B. 88, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

And the bill:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and

Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JE), the Budget Isolation Resolution and the bill, H. 80, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JE) Budget Isolation Resolution relating to H. B. 81, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 133. CREATING JOINT LEGISLATIVE COMMITTEE ON DRUG ENFORCEMENT POLICY.

Also:

H. J. R. 135. COMMENDING HUNTSVILLE'S EMERGENCY MEDICAL SERVICES, HEMSI.

Also:

H. J. R. 136. COMMENDING REBECCA GEIGER GREGORY, MONTGOMERY'S TEACHER OF THE YEAR, JUNIOR HIGH SCHOOL DIVISION.

Also:

H. J. R. 137. CONGRATULATING WAMO REED ROBERTSON OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF HER 70TH BIRTHDAY.

Also:

H. J. R. 138. CONGRATULATING THE BLOUNT HIGH SCHOOL LEOPARDS ON THEIR 1989 STATE 5A INDOOR TRACK CHAMPIONSHIP.

Also:

H. J. R. 145. COMMENDING MR. AND MRS. FRANK SEGO ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 147. COMMENDING THE SELMA HOUSING AUTHORITY AS A PUBLIC HOUSING AGENCY PERFORMANCE AWARD WINNER.

Also:

H. J. R. 152. HONORING COACH ROYAL CARPENTER OF HATTON HIGH SCHOOL, TOWN CREEK, ALABAMA.

Also:

H. J. R. 153. URGING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ADOPT AND IMPLEMENT THE NATIONAL ENERGY STRATEGY PROPOSED BY THE SOUTH/WEST ENERGY COUNCIL.

Also:

H. J. R. 154. COMMENDING EDYTHE DAFFIN WHITE OF JACKSON, ALABAMA, ZETAS' WOMAN OF THE YEAR.

Also:

H. J. R. 155. HONORING DOT BOSTROM OF JACKSON, ALABAMA, AS 1988 CITIZEN OF THE YEAR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 156. COMMENDING FRED DUGGER OF GADSDEN, ALABAMA, FOR DISTINGUISHED CIVIC CONTRIBUTIONS AND SERVICE.

Also:

H. J. R. 157. MOURNING THE DEATH OF FRED SIGLER OF MOBILE, ALABAMA.

Also:

H. J. R. 158. MOURNING THE DEATH OF MARIE LORRAINE TAYLOR OF MOBILE, ALABAMA.

Also:

H. J. R. 161. CONGRATULATING THOMASVILLE HIGH SCHOOL, THOMASVILLE, ALABAMA, AS OUR STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 165. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bryant, the rules were suspended in order to receive reports of the Standing Committees and the call of Districts for the Introduction of Bills and Resolutions.

H. 81 RESUMED

And the bill:

H. 81. (With Substitute): To provide for the specific use of funds for instructional supplies as may be appropriated by the Legislature in any given fiscal year, and as may be affected by an official declaration of proration.

Was taken up.

The question was on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration,

and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13-13, Code of Alabama 1975, is hereby amended to read as follows:

“§16-13-13.

“(a) The funds provided under the Education Appropriations Act for the purchase of instructional supplies and materials and appropriated to the state board of education for all teachers employed (except ESEA Title I, Title III, and Title IV teachers and ESAA teachers) shall be allocated by the state board of education to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. From the funds provided herein above, each county and city board of education shall allocate to the individual schools in their respective systems their pro rata amount as may be appropriated by the legislature for each teacher unit assigned to each school.

“(b) All faculty members will be given the opportunity for input. The faculty and principal of each school shall cooperatively develop a budget for the purchase of instructional supplies and materials and, by a majority vote of the faculty, approve a budget for the school. At least one-half of the amount allocated shall be available for each teacher for materials and supplies for that teacher's students provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the schools. No board of education shall withhold from any school any funds to which it is entitled under the provisions of this section except during years of proration.; provided further, however, if proration is declared and is subsequently removed or lifted, then funds for said instructional supplies, materials and equipment shall be spent as originally appropriated. Based upon the budget developed by the faculty, the principal shall recommend to the superintendent the recommended amount to be allocated to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section.

“(c) It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment, provided, however, that such fees shall be waived for students who cannot afford to pay the fee. Any funds collected in fees shall be spent on the course for which the fee was levied. This section shall not be construed to prohibit community groups or clubs from fundraising activities, provided, however, that students shall not be required to participate in such fundraising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama special educational trust fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Rains, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 81. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JE) Budget Isolation Resolution relating to H. B. 80, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Ford, Frazier, Freeman, Goodwin, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (D),

Parker, Payne, Perdue, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), Willis, Wright and Zoghby.

—64

And the bill:

H. 80. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

Was taken up.

AMENDMENT OFFERED

Rep. Newton (D) offered the following amendment to the bill, H. 80:

Amend H. B. 80 on page 1, line 33 by adding after word reversed and comma on line 33, add the following; new trial granted or judgment notwithstanding the verdict is rendered

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Zoghby.

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AMENDMENT OFFERED

Rep. Buskey (JE) offered the following amendment to the bill, H. 80 as amended:

Amend H. B. 80, Section 1, Page 1, Line 28 after the word "court" by striking the following:

~~of primary jurisdiction~~

Further amend on Page 1, Line 31 by striking the following:

~~by any court of primary jurisdiction~~

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Gaston,

Goodwin, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill, H. 80 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—80

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 80:

Mr. Speaker, Adams, Beasley, Beers, Blake, Breedlove, Brooks, Burke, Buskey (JL), Carothers, Clark (W), Curry, Flowers, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Marietta, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (G), the rules were suspended in order to proceed with the regular order of business.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 550. To amend further Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes, for the commissions allowed for the collection of

such recordation taxes, and for the distribution of such taxes when collected; to establish in the state treasury the "Alabama Conservation and Recreation Land Acquisition Fund" for use to acquire land for certain conservation and recreation purposes; and to create and establish a land acquisition committee.

H. 629. To amend Sections 40-9-40, 40-9-43 and 40-9-47, Code of Alabama 1975, to provide that the ten-year exemption from ad valorem taxes, presently allowed for certain industrial buildings in this state, shall not exceed the increase in the market value of such property as the result of extensions, expansions or other construction modifications to the property.

H. 630. To establish a uniform standard and extend exemption status from payment of ad valorem tax, franchise tax, corporate permit fee, sales tax on purchases, and use tax on purchases to all entities which have been granted status under the provisions of sections 501(c)(3) and 501(d) of the Internal Revenue Code of 1986; to clarify the description of exempted entities by amending sections 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5, Code of Alabama 1975; and to "grandfather in" current organizational and property exemptions and leave such current exemptions unchanged.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 461. (With Substitute) (With Amendments): To amend Section 11-54-96, Code of Alabama 1975, so as to limit the ad valorem tax exemption for property acquired by an industrial development board for a period of ten years from the date of acquisition of such property by the board.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 468. (With Substitute): To amend Section 40-18-52, Code of Alabama 1975, to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions, and to amend Section 40-1-33, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue. Section 40-1-33, Code of Alabama 1975, is also amended to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies. Section 40-1-33 and Section 40-18-52 are further amended so as to exclude the orders of the revenue department's administrative law judge from the confidentiality provisions of the revenue code and makes said orders public documents.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 469. To amend §40-18-79, Code of Alabama 1975, providing for refund of excess income tax withholding and overpayment of estimated tax to the individual taxpayer and specifies the accrual of interest due on such refunds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 470. (With Amendment): To amend Section 41-22-20, Code of Alabama, 1975, so as to provide that the same entitlement for judicial review which is granted persons will be extended to the State Department of Revenue when it is the aggrieved party of an adverse final decision of the revenue department's administrative law judge.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 474. (With Substitute) (With Amendment): To allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 477. (With Amendment): To amend Section 11-58-14, Code of Alabama 1975, so as to limit the ad valorem tax exemption for property acquired by a medical clinic board for a period of ten years from the date of acquisition of such property by the board.

H. 471. (With Amendment): Providing for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement and limits adoption by a qualifying restriction that requires the passage of three additional legislative bills.

H. 465. (With Amendment): To amend Sections 40-23-1, 40-23-60, 40-12- 220, to include computer software into the definitions of "sales" and to define computer software so that it will be subject to sales tax, use tax, or rental tax, and to make adoption of this bill contingent upon the passage of three additional designated legislative bills.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 454. (With Substitute): To amend §40-23-7, Code of Alabama 1975, so as to ease compliance therewith by revising the payment schedule to repeal the requirement that payers of large State sales tax liabilities pay on an estimated basis during the period in which the tax liability accrues; to repeal the initial distribution language which is no longer germane; to increase the number of small taxpayers who will be eligible to file quarterly rather than monthly returns; and to make effectiveness contingent upon passage of House Bill _____ in order to replace the anticipated revenue loss.

H. 467. (With Substitute): To amend Section 40-21-53, Code of Alabama 1975, to adjust the payments schedule for the utilities license tax to that of a current payment basis in lieu of the existing arrears basis; and to amend section 40-21-55, Code of Alabama 1975, to provide that the additional payments resulting therefrom are credited to the Alabama Special Educational Trust Fund to offset anticipated losses from House Bill _____ upon which this bill is contingent.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 466. (With Substitute) (With Amendment): To amend Section 40-18-19, Code of Alabama 1975, to increase, from \$300.00 to \$600.00, the state personal income tax exemption allowed for each eligible dependent; to amend Section 40-18-27 to adjust the minimum individual taxpayer filing requirements; and to provide that adoption is contingent upon the passage of two additional designated legislative bills.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 589. To further provide for exemptions from ad valorem taxation, so as to include the property of shrimpers used in their trade; and to amend Section 40-9-1, Code of Alabama 1975, as amended, relating to ad valorem exemptions.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 116. (With Amendment): To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 639. This bill reduces the appropriation from the State General Fund to the Department of Agriculture and Industries by \$150,000 for the fiscal year ending September 30, 1989.

H. 640. This bill reduces the appropriation from the State General Fund to the Alabama Forestry Commission by \$366,000 for the fiscal year ending September 30, 1989.

H. 641. This bill reduces the appropriation from the State General Fund to the Alabama Development Office by \$200,000 for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 642. (With Amendment): To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 644. (With Substitute): To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 455. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

H. 375. Relating to the Crime of Assault in the third degree; amending Section 13A-6-22 of the Code of Alabama 1975, so as to impose a minimum term of imprisonment in certain cases.

H. 268. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as a result of acts committed within the scope of their employment, and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 245. (With Substitute): To amend Section 36-25-27, Code of Alabama 1975, regarding criminal penalties for violations of Alabama's code of ethics statutes, so as to provide that the statute of limitations for criminal prosecutions shall be tolled either upon the start of an ethics commission investigation, or upon the receipt by the ethics commission of a written complaint of an alleged violation, whichever occurs first.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

H. 352. To amend section 39-2-3, Code of Alabama 1975, relating to and regulating contracts for public works, so as to change the fees to be charged by the awarding authority for proposals, plans, the annual fee for bid tabulating, and the annual fee for notice to contractors.

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

H. 558. To amend Section 40-3-20 of the Code of Alabama 1975, relating to publication of notice of valuation of property, so as to provide further for the number of days required for filing objections to such notices.

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

H. 561. Relating to emergency telephone boards' services charges; to amend section 11-98-5, Code of Alabama 1975, so as to prohibit any board of commissioners of any emergency telephone district from spending board funds for the purchase or construction of buildings.

H. 562. To further provide for the supervision and regulation of the emergency telephone service districts so as to place such board districts under the Public Service Commission and the rate making process; and repeals conflicting laws.

Rep. Laird, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 557. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 319. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with

certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide reciprocity for licensees from out-of-state who pass the examination; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 326. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-21, 34-21-22, 34-21-23, and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to eliminate temporary permits after a 36-month period; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 351. To amend Section 16-30-4, Code of Alabama 1975, relating to the required immunization of kindergarten and first grade pupils entering Alabama's public schools, so as to include pre-kindergarten children.

H. 155. To require the state health department to provide superintendents of local boards of education information on school children with AIDS, confidentiality and disclosure in certain instances by local school superintendents.

H. 621. To amend Section 34-23-1, Code of Alabama 1975, relating to the practice of pharmacy, so as to provide further for the definition of "pharmacist."

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 622. (With Amendment): To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 308. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

The above bill was read a second time at length as required by the Constitution.

S. 309. To implement Senate Bill 308 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 23. (With Substitute): To require local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior high school students.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 482. To amend Section 32-6-3, Code of Alabama 1975, relating to examinations for drivers' licenses, so as to require that certain applicants for drivers' licenses must demonstrate their ability to read and write.

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds providing for the cost of such credited service and providing for the expiration of this act.

H. 527. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

H. 483. To provide an amendment to section 16-25-19, Code of Alabama 1975, so as to further provide for the election of certain members of the Teachers' Retirement System Board of Control.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 426. (With Amendment): To amend Section 16-24-2, Code of Alabama 1975, relating to criteria for continuing service status for teachers, so as to prescribe the criteria for a teacher who after attaining continuing service status leaves said system and later returns to said system.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

H. 397. To prohibit the operation of vessels with children on board unless each child is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 585. (With Amendment): To amend section §2-15-132 prescribing license fees and procedures for appealing adverse orders by increasing the license fee from \$25 to a graduated scale from \$25 to \$250 based upon business done in the year; to amend the appellant procedure in §2-15-132 by requiring the hearing to be held on the certified record instead of de novo; to change expiration dates of dealer licenses from December 31 to October 30; To amend section §2-15-133 setting out bond requirements by increasing the amount of the hand or bond equivalent up to a maximum of \$150,000 based upon business done; To amend section, §2-15-135 authorizing adoption of regulation so as to also authorize adoption of rules for bonds or bond equivalents.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 592. (With Substitute): To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to

acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 216. To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 552. (With Amendment): To redefine dealers so that new dealers mean haulers who haul livestock for hire; to change dealers to haulers; to raise permit fees from \$10.00 per year to \$25.00 per year.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

The above bill was read a second time at length as required by the Constitution.

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 151. (With Amendment): Proposing an amendment to the Constitution of Alabama relative to the power of recall, excluding members of the United States Congress.

The above bill was read a second time at length as required by the Constitution.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 590. To amend Sections 17-16-6, 17-16A-1, 17-16A-3 and 17-16A-6, Code of Alabama 1975, relating to political party primary elections and presidential preference primary elections, so as to provide that presidential preference primaries shall be held at the same time as primary elections in years in which a President is to be elected and to provide that delegates to the national conventions may be elected at the runoff primary elections; and to provide further for presidential preference primary elections.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 255. (With Amendment): To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

H. 31. (With Amendment): To provide authority for the Department of Corrections to contract or enter into agreements with private industry so as to establish effective, work oriented rehabilitation programs in an actual private enterprise work environment.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to

amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

H. 363. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the offense of criminal littering, so as to provide further for the distribution of fines for violations.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 456. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 491. (With Amendment): Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

Rep. Williams, Chairman of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 177. (With Amendment): To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 418. (With Amendment): Relating to Colbert County; to amend Section 1 of Act No. 79-131, H. 249, 1979 Regular Session (Acts 1979, p. 238), so as to provide further for the compensation of election officials.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 495. Relating to Colbert County; to authorize the City of Sheffield to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 523. (With Amendment): Relating to Jackson County; authorizing and providing for the incorporation of the Jackson County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Jackson County Water Authority; permitting and authorizing merger of existing water systems or authorities with Jackson County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, as first priority, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution

systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 567. Relating to Elmore County; providing further for additional costs and charges in all circuit and district court cases, excluding small claims division, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in such fund.

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

H. 606. Relating to Marshall County; providing for an additional allowance, payable from the county general fund, for election officials who work in polling places; and repealing Act No. 80-334, H. 801, Regular Session 1980 (Acts 1980, Vol. I, p. 455) which provides for an expense allowance for election officials.

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the Randolph County Development Committee without the payment of fair and reasonable market value.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 660. (With Substitute): To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

H. 595. (With Substitute): To amend Act No. 88-692 passed in the 1988 First Extraordinary Session which makes appropriations for public education by reducing the appropriations from the Alabama Special Educational Trust Fund to the State Council on the Arts, the Alabama Public Library Service, Department of Mental Health and Mental Retardation, State Board of Education-Financial Assistance to Local Boards, State Board of Education-Junior College System and State Board of Education-Technical College System for the fiscal year ending September 30, 1989.

H. 643. (With Substitute): To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

H. 649. (With Substitute): This bill reduces the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$270,000 for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 669. (With Substitute): To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 336. To create the Alabama Community Service Grant Program, from which the program objectives of state agencies shall be advanced by the awarding of grant funds by designated state agencies to qualifying community agencies, organizations, institutions and projects within the State of Alabama; to provide that such grant funds shall be appropriated by the Legislature to state departments and agencies; to establish criteria by which

such grants shall be awarded; to establish the authority and responsibilities of the heads of grant-making agencies; to provide for an effective date; and to repeal conflicting laws.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 528. (With Amendment): To propose and provide for the submission of an amendment amending Section 71 of the Constitution of 1901 and repealing Section 73 of the Constitution of 1901, so as to provide further for certain appropriations in the general appropriations bill.

The above bill was read a second time at length as required by the Constitution.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education-Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 597. (With Substitute): To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education-Technical College System by \$348,576 for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

H. 658. To make an appropriation from the State General Fund of \$50,000 to Crenshaw County Industrial Park for the fiscal year ending September 30, 1989.

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 596. (With Substitute): To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education-Junior College System by \$182,185.50 for the fiscal year ending September 30, 1989.

H. 645. (With Substitute): To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

H. 648. This bill reduces the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$100,000 for the fiscal year ending September 30, 1989.

H. 650. This bill reduces the appropriation from the State General Fund to the Alabama Historical Commission by \$530,000 for the fiscal year ending September 30, 1989.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Laird (With Notice and Proof):

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the

Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 670, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey:

H. 671. To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

Committee on Banking.

By Rep. Frazier (With Notice and Proof):

H. 672. Relating to Walker County; to charge each constable with the duty of enforcing all litter laws within his precinct.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 672, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Richardson (With Notice and Proof):

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 673, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 674. Relating to Blount County; to amend Section 12 of Act No. 57 of the 1956 Regular Session (Acts 1956, p. 86) relating to levying a tax on gasoline, kerosene and diesel fuel so as to provide further for distribution.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Walker:

H. 675. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the

driver education and training fund and the Alabama Traffic Safety Center Fund, so as to increase the penalty and to provide further for the expenditures of funds.

Committee on Ways and Means.

By Rep. Breedlove:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

Committee on Local Government.

By Rep. Breedlove:

H. 677. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Committee on Judiciary.

By Reps. Hall, White (L), Johnson (RG), Richardson, Freeman, Moon, and Haynes:

H. 678. To further regulate horse racing and dog racing in the State of Alabama, so as to establish a residency period of any person or others who own or operate or hold an interest, directly or indirectly, in any dog or horse track or facility or operation, unless such person is or has been a resident of the State of Alabama for five years or longer; and to repeal conflicting laws.

Committee on Tourism, Entertainment, and Sports.

By Rep. Haynes:

H. 679. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

Committee on State Administration.

By Rep. Haynes:

H. 680. To authorize municipalities to adopt a procedure for the issuance of a summons and complaint for violations of certain municipal ordinances, to provide for dispositions of such violations, and to establish additional penalties for offenders failing to appear in court.

Committee on Judiciary.

By Rep. Haynes:

H. 681. Relating to the State Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to include department of corrections law enforcement personnel in the definitions for "state policemen."

Committee on Ways and Means.

By Rep. Harper:

H. 682. To amend Sections 16-16-3, 16-16-4, 16-16-6, and 16-16-9, Code of Alabama 1975, which provide for the membership and duties of the Alabama Public School and College Authority, so as to increase said membership and provide further for the duties of the Authority.

Committee on Ways and Means.

By Reps. Hill and Knight (With Notice and Proof):

H. 683. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 683, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Perdue (With Notice and Proof):

H. 684. To provide that in any Class I municipality any racing commission is designated as the primary law enforcement agency to enforce the provisions relating to horse racing in Class I municipalities; to provide access by such commission to any law enforcement records pertaining to enforcement of any provisions relating to horse racing in Class I municipalities; and to authorize such commission to enter into cooperative agreements with certain law enforcement agencies.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 684, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 685. Relating to Perry County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 685, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 686, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 687. Relating to Perry County, providing further for an expense allowance for the chairman of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 688, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Rep. Perdue:

H. J. R. 169. URGING ALL STATE, COUNTY AND MUNICIPAL OFFICIALS TO PROMOTE SMALL BUSINESS OWNERS AND OPERATORS FROM SOCIALLY AND ECONOMICALLY DISADVANTAGED AREAS VOLUNTARILY.

WHEREAS, the genius of the great people of this nation lies in the creativity and individual freedom of our citizens where citizens can attain their aspirations and ambitions through industriousness and ingenuity; and

WHEREAS, the directory of state priority issues in 1989 for state legislatures, as identified by its source, the National Conference of State Legislatures, lists economic development issues as the majority concern and policy programs, particularly for those small businesses owned by socially and economically disadvantaged persons to have equal access; and

WHEREAS, it is recognized by the Alabama Legislature that small businesses represent approximately 99 percent of all United States businesses and supply approximately two out of every three new first jobs, and the White House Conference on Small Business, held in August 1986, determined it is critical to national, state and local overall policy and goal setting that the concerns of small business be heard, and that high interest rates and government regulations led the list of small business leaders' concerns about how the political and economic environment affect their operations, and these obstacles are multiplied for the socially and economically disadvantaged owners of small businesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge that every agency, board, commission, council or authority of state, county or municipal government promote and facilitate equal access for socially and economically disadvantaged individuals and afford the opportunity to participate in the small business sector and to use all resources and flexibility and negotiations possible, including but not limited to: voluntarily entering into contracts with other governmental departments, agencies, authorities, councils and commissions to furnish supply services, research and development, construction contracts within a five percent (5%) variance of the lowest bid, if such bid is \$75,000 or less and is submitted by a company owned and controlled (51% or more) by socially and economically disadvantaged persons.

RESOLVED FURTHER, that we encourage all such political entities at every level to offer incentives and regulations to prime contractors who encourage participation by said socially and economically disadvantaged persons and to eliminate disincentives against such persons so as to expand the participation of such firms and provide private sector markets for them.

RESOLVED FURTHER, That the Legislature reaffirms its commitment to small businesses to assist them through their crisis period of establishment, and thereafter, with special emphasis on those businesses owned or operated by socially and economically disadvantaged persons.

RESOLVED FURTHER, That a copy of this resolution shall be sent forthwith to the Alabama Development and Economic Management Director, the director of Small and Minority Businesses, the finance director and to the public universities and colleges, the Association of County Commissions and to the executive director of the League of Municipalities, and to the Governor of the State of Alabama.

On motion of Rep. Perdue, the rules were suspended and the resolution, H. J. R. 169, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 170. COMMENDING THE WASHINGTON COUNTY UNITED WAY HUMANITARIAN AWARD RECIPIENT, PAUL PETCHER OF CHATOM, ALABAMA.

WHEREAS, in the first annual presentation of the Washington County United Way's Humanitarian Award, Paul Petcher was announced as the 1988 recipient in recognition of extraordinary and sustained volunteer service over a period of several years; and

WHEREAS, Dr. Petcher, a former foreign missionary to Nigeria during the 1950's, is a prominent Washington County and Chatom, Alabama, family physician who has been involved for a number of years in activities to the benefit and well-being of others; and

WHEREAS, in a demonstration of his commitment to service, Dr. Petcher has held many leadership positions as a volunteer involved with United Way, the American Red Cross, and Boys Scouts of America which honored him with scouting's highest Silver Beaver award; and

WHEREAS, he further is a national leader in the Church of the Brethren and has been active in the development of improved health care services in Mobile and Washington counties, among other endeavors of aid to those in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Paul Petcher of Chatom, Alabama, recipient of the Washington County United Way Humanitarian Award, and do further direct that he receive a copy of this resolution of highest esteem.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 170, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 171. COMMENDING BETTY R. PURVIS OF MILLRY, ALABAMA, WASHINGTON COUNTY UNITED WAY'S 1988 VOLUNTEER OF THE YEAR.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the selection of Betty R. Purvis of Millry, Alabama, as the 1988 and first recipient of the Washington County United Way's Volunteer of the Year award, a prestigious honor to be bestowed henceforth on an annual basis; and

WHEREAS, Mrs. Purvis, who has served as chairman for the United Way campaign in Millry, has served also in several other volunteer capacities including chairman of cystic fibrosis; and

WHEREAS, widely known for her dedicated efforts on behalf of handicapped individuals, Mrs. Purvis has further served on the boards of directors of the Washington County Department of Human Resources and Exceptional Children, Inc., and has devoted her energies in untold hours of activities related to other needful causes in Millry and Washington County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and leadership, and as the Washington County United Way Volunteer of the Year, we hereby commend Betty R. Purvis of Millry, Alabama, to whom we are deeply grateful and for whom a copy of this resolution shall be provided.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 171, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holley:

H. R. 172. COMMENDING PAUL R. HUBBERT, EXECUTIVE SECRETARY OF THE ALABAMA EDUCATION ASSOCIATION.

CO-SPONSORS ADDED

The following co-sponsors were added to the resolution, H. R. 172:

Reps. Black, Blake, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Cosby, Dillard, Drake, Freeman, Goodwin, Hall, Harvey, Haynes, Headley, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Marks, Melton, Moon, Newman, Parker, Perdue, Poole, Richardson, Starkey, Thomas, Turner, Venable, Walker, Warren and White (L).

Also:

The following resolution was introduced:

By Rep. Harvey:

H. J. R. 173. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

WHEREAS, the Alabama Legislature is concerned about the health and environmental problems related to the disposal of scrap tires which require further study in depth and these require positive recommendations to the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the state legislators sound, workable, financially feasible and economically possible methods of disposing scrap tires by the most healthful and environmentally safe procedure, there is hereby organized a Joint Interim Committee on the Disposal of Scrap Tires, to be composed of eight (8) members of the Legislature: four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. In addition to the legislative members, the following nonvoting members, from the public, shall be: the president, the vice-president and the executive director of the Alabama Tire Dealers' Association, and a total of three tire dealers, with one dealer from each the central, southern and northern regions, all of whom shall be selected by the executive director of the Alabama Tire Dealers' Association, and one representative of a tire manufacturer's facility in Alabama, to be appointed by the chairman of the committee. These nonvoting members shall serve without pay and shall give such expertise and perform such tasks as may be assigned by the full committee. It shall be the duty and function of the committee to analyze the present status of disposal of scrap tires and to serve as an advisory committee to the designated center for the recycling and research of the tire industry of the state as designated in H. J. R. 10, Regular Session 1988, and to make recommendations for legislative revision which it considers necessary or desirable to enable the state to more adequately meet and

furnish the services and requirements of the citizens in a safe, healthful and environmentally sound manner.

In reviewing the status and the pertinent laws in Alabama, the committee shall consider and make studies of relative hazardous waste disposal laws and regulations at both the state and federal levels, together with associated problems.

RESOLVED FURTHER, That the committee shall elect a chairman and cochairman from among the voting members and shall elect officers from among the membership. The committee shall provide for its own rules of procedure to conduct its business and shall meet at the call of the chair.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500).

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations by the fifth legislative day of the 1990 Regular Session at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 173, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 88. COMMENDING TOMMY ODOM OF CITRONELLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 89. COMMENDING MARK NELSON CRADDOCK FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 81. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

TOMMY CARTER,
Chairman.

And the bill, H. 81 as engrossed, was ordered sent to the Senate

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

TOMMY CARTER,
Chairman.

And the bill, H. 35 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 156. COMMENDING FRED DUGGER OF GADSDEN, ALABAMA, FOR DISTINGUISHED CIVIC CONTRIBUTIONS AND SERVICE.

Also:

H. J. R. 157. MOURNING THE DEATH OF FRED SIGLER OF MOBILE, ALABAMA.

Also:

H. J. R. 158. MOURNING THE DEATH OF MARIE LORRAINE TAYLOR OF MOBILE, ALABAMA.

Also:

H. J. R. 161. CONGRATULATING THOMASVILLE HIGH SCHOOL, THOMASVILLE, ALABAMA, AS OUR STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 165. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 147. COMMENDING THE SELMA HOUSING AUTHORITY AS A PUBLIC HOUSING AGENCY PERFORMANCE AWARD WINNER.

Also:

H. J. R. 152. HONORING COACH ROYAL CARPENTER OF HATTON HIGH SCHOOL, TOWN CREEK, ALABAMA.

Also:

H. J. R. 153. URGING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ADOPT AND IMPLEMENT THE NATIONAL ENERGY STRATEGY PROPOSED BY THE SOUTH/WEST ENERGY COUNCIL.

Also:

H. J. R. 154. COMMENDING EDYTHE DAFFIN WHITE OF JACKSON, ALABAMA, ZETAS' WOMAN OF THE YEAR.

Also:

H. J. R. 155. HONORING DOT BOSTROM OF JACKSON, ALABAMA, AS 1988 CITIZEN OF THE YEAR.

Also:

H. J. R. 133. CREATING JOINT LEGISLATIVE COMMITTEE ON DRUG ENFORCEMENT POLICY.

Also:

H. J. R. 135. COMMENDING HUNTSVILLE'S EMERGENCY MEDICAL SERVICES, HEMS.

Also:

H. J. R. 136. COMMENDING REBECCA GEIGER GREGORY, MONTGOMERY'S TEACHER OF THE YEAR, JUNIOR HIGH SCHOOL DIVISION.

Also:

H. J. R. 137. CONGRATULATING WAMO REED ROBERTSON OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF HER 70TH BIRTHDAY.

Also:

H. J. R. 138. CONGRATULATING THE BLOUNT HIGH SCHOOL LEOPARDS ON THEIR 1989 STATE 5A INDOOR TRACK CHAMPIONSHIP.

Also:

H. J. R. 145. COMMENDING MR. AND MRS. FRANK SEGO ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 174. COMMENDING SUMTER ACADEMY'S LADY EAGLES ON THEIR 1989 ALABAMA PRIVATE SCHOOL ASSOCIATION CLASS 3A STATE BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Frazier:

H. R. 175. COMMENDING CURRY ELEMENTARY SCHOOL ON ITS SUBSTANCE ABUSE PROGRAMS.

Also:

By Rep. Frazier:

H. R. 176. COMMENDING REGGIE PLYLER OF CURRY ELEMENTARY SCHOOL, WALKER COUNTY, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Poole, Johnson (RW), Frazier, Layson, Melton, Kennedy and Rains:

H. J. R. 177. NAMING THE COSMETOLOGY BUILDING AT SHELTON STATE COMMUNITY COLLEGE IN HONOR OF LEO SUMNER.

WHEREAS, Leo Sumner, one of Alabama's most prominent educators, has served since 1976 as president of Shelton State Community College

(formerly Shelton State Technical College) and, as teacher, coach and administrator, has served the cause of educational excellence for some 36 years; and

WHEREAS, Leo Sumner, who holds the B.S. and M.A. degrees from the University of Alabama and an honorary Doctor of Laws degree from Livingston State University, is affiliated and has held leadership positions with numerous professional, civic, charitable and community organizations, and his contributions through such dedicated service and his favorable influence upon thousands of young people, educators and community leaders have been heretofore recognized with gratitude and in highest esteem; and

WHEREAS, during his tenure as president of Shelton State Community College, Leo Sumner has been instrumental in the growth of the college to its present status as the fourth largest community college in Alabama; and

WHEREAS, the cosmetology building on the campus of Shelton State Community College is one of several new facilities built or renovated under Leo Sumner's leadership and the college's cosmetology program is an important part of Shelton State's course curriculum; and

WHEREAS, in further recognition of Leo Sumner's professional achievements and contributions, it is desirable that he be honored in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the cosmetology building on the campus of Shelton State Community College in Tuscaloosa, Alabama, as the "Leo Sumner Cosmetology Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said building, and we further provide that a copy of this resolution be forwarded to Leo Sumner, president of Shelton State Community College.

On motion of Rep. Poole, the rules were suspended and the resolution, H. J. R. 177, was adopted.

CO-SPONSORS ADDED

The following co-sponsors were added to the resolution, H. J. R. 177:

Reps. Johnson (RW), Kennedy, Kvalheim, Melton and Poole.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Knight:

H. R. 178. COMMENDING THE HONORABLE G. ROBIN SWIFT, JR. FOR OUTSTANDING SERVICE AND PERFORMANCE AS FINANCE DIRECTOR OF THE STATE OF ALABAMA.

Also:

By Rep. Headley:

H. R. 179. COMMENDING CLANTON POSTMASTER HUGH BATES FOR OUTSTANDING DEDICATION TO THE U. S. POSTAL SERVICE AND THE COMMUNITY.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 403, on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 403, was adopted.

Yeas 50; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Carter, Clark (W), Curry, Dillard, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Melton, Mikell, Parker, Penry, Poole, Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Cosby, Curry, Dillard, Escott, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 403:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Cosby, Curry, Escott, Gaston,

Goodwin, Hammett, Harvey, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marietta, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L) and Zoghby.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Penry and McMillan:

H. J. R. 180. CONGRATULATING EILEEN LAZZARI, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Eileen Lazzari, a resident of Daphne, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Eileen Lazzari, an active member of Christ the King Parish, has held many positions at Christ the King Church and is an outstanding leader; and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Eileen Lazzari so unselfishly giving of her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Eileen Lazzari, Daphne, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Eileen Lazzari, Daphne, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 180, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 181. CONGRATULATING SIR MICHAEL FORD, FAIRHOPE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Michael Ford, a resident of Fairhope, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Michael Ford, is an active member of Saint Lawrence Parish, Fairhope, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Michael Ford, of Fairhope, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Michael Ford, Fairhope, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 181, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 182. CONGRATULATING MARY ANN HALLIDAY, BAY MINETTE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Mary Ann Halliday, a resident of Bay Minette, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Mary Ann Halliday, an active member of Saint Agatha Parish, has held many positions in the Catholic Women's Club and was an officer on the Archdiocesan Council of Catholic Women, Chairperson of Catholic Charities Drive and on the Board of Catholic Social Services and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Mary has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Mary Ann Halliday, Bay Minette, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Mary Ann Halliday, Bay Minette, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 182, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 183. CONGRATULATING MARGARET MELCHER, GULF SHORES, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Margaret Melcher, a resident of Gulf Shores, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from

His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Margaret Melcher, an active member of Our Lady of the Gulf Parish, has lived in faith-filled service to others for the betterment of her church and civic community; and

WHEREAS, Margaret so unselfishly giving of her talents, time and energies has earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Margaret Melcher, Gulf Shores, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which have earned for her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Margaret Melcher, Gulf Shores, Alabama so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 183, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 184. CONGRATULATING HELEN CALLOWAY, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Helen Calloway, a resident of Daphne, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Helen Calloway, an active member of Christ the King Parish, has held many positions in the Catholic Women's Club and was an officer on the Archdiocesan Council of Catholic Women, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Helen has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Mrs. Helen Calloway, Daphne, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Helen Calloway, Daphne, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 184, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 185. CONGRATULATING JANICE NETH, ROBERTSDALE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Janice Neth, a resident of Robertsdale, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Janice Neth, an active member of Saint Patrick's Parish, has held many positions in the Catholic Women's Club, in the Archdiocesan Council of Catholic Women and demonstrated her leadership as Chairperson of the Catholic Charities and in education, her life has been in faith-filled service to others for the betterment of her church and civic community; and

WHEREAS, Janice Neth, has so unselfishly given of her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Janice Neth, Robertsdale, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which have earned for her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Janice Neth, Robertsdale, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 185, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 186. CONGRATULATING MARY GUARISCO, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Mary Guarisco, a resident of Daphne, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Mary Guarisco, an active member of Christ the King Parish, has held many positions in the Catholic Women's Club and was an officer on the Archdiocesan Council of Catholic Women, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Mary has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our

community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Miss Mary Guarisco, Daphne, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Miss Mary Guarisco, Daphne, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 186, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 187. CONGRATULATING MARGARET PETERSON, ELBERTA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Margaret Peterson, a resident of Elberta, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Margaret Peterson, an active member of Saint Bartholomew Parish, has held many positions in the Catholic Women's Club, and has been an officer on the Archdiocesan Council of Catholic Women, and currently is President of that Council, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Margaret has so unselfishly given of her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Margaret Peterson, Elberta, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which have earned for her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Margaret Peterson, Elberta, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 187, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 188. CONGRATULATING AILEEN WOODS, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Aileen Woods, a resident of Daphne, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Aileen Woods, an active member of Christ the King Parish, has held many positions in the Catholic Women's Club, and is a member of the Board of Council of Catholic Women, and her life has been faith-filled in service and sharing her many talents with others for the betterment of her church and civic community; and

WHEREAS, Aileen has so unselfishly given of her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Aileen Woods, of Daphne, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which have earned for her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Aileen Woods, Daphne, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 188, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 189. CONGRATULATING SIR C. JOSEPH HAMBURGER, DAPHNE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, C. Joseph Hamburger, a resident of Daphne, Alabama, recently was recognized for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, C. Joseph Hamburger, is an active member of Christ the King Parish, Daphne, Alabama, and he has served in many positions in organizations and boards, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir C. Joseph Hamburger, of Daphne, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir C. Joseph Hamburger, Daphne, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 189, was adopted.

Also:

By Reps. Kvalheim, Gaston, Marietta, Zoghby, Buskey (JE), Clark (W), McMillan, Penry, Turner, Box, and Kennedy:

H. J. R. 190. COMMENDING THE ATHLETIC DEPARTMENT, COACHES AND TEAMS OF THE UNIVERSITY OF SOUTH ALABAMA.

WHEREAS, the University of South Alabama has been awarded the Commissioner's Cup, representing the university's status as the overall winner of the Sunbelt Conference Athletic Award for 1987-88; and

WHEREAS, Joe Gottfried, Athletic Director; Associate Athletic Director, John Nitardy, together with Sports Information Director, Mike Quan, and Assistant Sports Information Director, Fred Huff, and the various head coaches including Ronnie Arrow, men's basketball; Steve Kittrell, men's baseball; Craig Hilley, men's and women's track; Charles Branum, women's basketball; Bruce Goldsmith, men's and women's track/cross-country; June Mayson, women's golf; Roy Patton, men's soccer, Richie Ponquinette, women's volleyball; and Bob Hubbard, men's golf, together with their numerous assistants, trainers, athletic advisors, secretaries and student assistants are each to be commended; and

WHEREAS, the Athletic Department of the University of South Alabama continues to demonstrate the highest standards and ideals best exemplified by the student athlete, and always strives to initiate, stimulate and provide the intercollegiate athlete with a proper education, leadership skills, physical fitness, meaningful sports participation and athletic excellence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding accomplishments and contributions of the coaches, staff, athletes and the entire athletic department, and upon the receipt of the Sunbelt Conference Commissioner's Cup, we hereby commend the University of South Alabama and its athletic department, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 190, was adopted.

Also:

By Reps. Kvalheim, Gaston, Marietta, Zoghby, Buskey (JE), Clark (W), Hooper, McMillan, Penry, Turner, Box, and Kennedy:

H. J. R. 191. COMMENDING DR. FREDERICK PALMER WHIDDON OF MOBILE, ALABAMA, UPON HIS ELECTION AS MOBILIAN OF THE YEAR, 1989.

WHEREAS, the Legislature of the State of Alabama notes with its highest commendation and pride the election of Dr. Frederick Palmer Whiddon, President of the University of South Alabama, as Mobilian of the Year, 1989; and

WHEREAS, Dr. Whiddon is a 1952 graduate of Birmingham Southern University and received his Ph.D. from Emory University in 1963; he has held the positions of graduate assistant with Emory University in Atlanta, Georgia, Assistant Professor of Philosophy and Dean of Students at Athens College in Athens, Alabama, Director of the University of Alabama, Mobile

Center, in Mobile, Alabama, and since 1963 has been the first and only President of the University of South Alabama in Mobile, Alabama; and

WHEREAS, Dr. Whiddon's commitment to his community is evidenced by his involvement with numerous organizations including the Rotary Club of Mobile, Kiwanis Club of Mobile, the Newcomen Society, the Allied Arts Council and the Historic Mobile Preservation Society; he further serves or has served as a member of the Board of Directors for the Mobile Area Chamber of Commerce Foundation, Mobile Area Council-Boy Scouts of America, Federal Home Loan Bank, Atlanta, Georgia, (1976-1980), Marine Environmental Science Consortium and the Altus Bank, and additionally serves on the advisory board of the Salvation Army and is a member of the College Commission, Southern Association of Colleges and Schools and the Presidents' Commission, National Collegiate Athletic Association; and

WHEREAS, Dr. Whiddon is a member of Eta Sigma Phi, Omicron Delta Kappa, and Phi Kappa Phi, an Outstanding Young Man of Alabama in 1964, one of the Ten Outstanding Young Men in America in 1965 and was selected as the 1981 Outstanding Administrator in Alabama by Alabama's Alpha Chapter of the American Association of University Administrators; and

WHEREAS, since founding the University of South Alabama as the youngest college president in the United States at age 33, Dr. Whiddon has untiringly and vehemently worked to create a University of the highest caliber in Mobile, Alabama,—an institution with over 10,600 students, 22,000 alumni, and thousands of employees making the University the County of Mobile's second largest employer—and the University of South Alabama continues to grow and daily leaves its mark on the Mobile Community; and

WHEREAS, the University continues to provide the community of Mobile with indigent care for its sick and infirm through the University of South Alabama Medical Center; to entertain through its fine arts and theater programs; to educate our youth through the teachers its educational department produces; provide computer resources for industry and government through its computer laboratories; and to also make literally thousands of other resources available to the Mobile community; and

WHEREAS, Frederick Palmer Whiddon is indeed an exemplar of achievement and an outstanding model for the citizens of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest regard and recognition of his most recent honor, we commend Dr. Frederick Palmer Whiddon, and do further direct that he receive a copy of this resolution in sincere admiration of his distinguished achievement.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 191, was adopted.

Also:

By Reps. Haynes and Johnson (RW):

H. J. R. 192. COMMENDING E. ADOLPH SOUTH OF TUSCALOOSA, ALABAMA, FRATERNAL ORDER OF POLICE OUTSTANDING LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates E. Adolph South of Tuscaloosa, Alabama, as Outstanding Law Enforcement Officer of the Year, a prestigious honor of the Fraternal Order of Police (FOP); and

WHEREAS, a native of Tuscaloosa County, E. Adolph South is a graduate of that county's Montgomery High School, and of the Federal Bureau of Investigation National Academy, 127th Session, in 1981; he further has completed numerous continuing education and in-service training courses, including the Law Enforcement Chaplain Training Seminar sponsored by the Southeast Region of the International Conference of Police Chaplains, as well as the Conference's Annual Training Seminar, taking annual leave in order to attend both training sessions; and

WHEREAS, Adolph South, a member of the Tuscaloosa Police Department, joined the force in March 1965 as a Beat Patrolman, thereafter rising rapidly through promotion to the rank of Captain, since 1981, and in continuing command of the Detective Division which he assumed in November 1977 upon promotion to Commander of that division; and

WHEREAS, Captain South is professionally affiliated with the Alabama Peace Officers Association and the Fraternal Order of Police, and has served since 1975 as Chaplain of King-Hubbard Lodge #10, since 1976 as Chaplain of Alabama State Lodge of Fraternal Order of Police, and as Chaplain of the National Grand Lodge of Fraternal Order of Police since 1987; and

WHEREAS, among numerous awards and honors, including a 1981 commendation by the Alabama Senate and Member of the Year of King-Hubbard Lodge #10, Captain South also was a nominee for the Tuscaloosa Police Department's Officer of the Year, Kiwanis Layman of the Year and Tuscaloosa Civitan Club Citizen of the Year in 1971, 1981 and 1984, respectively; and

WHEREAS, we further note Captain South's 1986 appointments to the Tuscaloosa County Interagency Council and to the City of Tuscaloosa's 15-member Task Force on Juvenile Crime, as well as his appointment in 1988 to the Juvenile Court Advisory Board of Tuscaloosa County by Governor Guy Hunt; and

WHEREAS, Captain South, also in church leadership, has served as a deacon, chairman of the Board of Deacons, as a trustee and as chairman of the Board of Trustees of Eastside Free Will Baptist Church, and further as Sunday School teacher and Sunday School superintendent, as leader and as superintendent of Christian Training Service, and as church treasurer and president of the Masters of Men group; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community leadership, we hereby most highly commend Captain E. Adolph South of the Tuscaloosa Police Department and Outstanding Law Enforcement Officer of the Year, and do further direct that he receive a copy of this resolution of utmost honor and esteem.

On motion of Rep. Haynes, the rules were suspended and the resolution, H. J. R. 192, was adopted.

Also:

By Rep. Kennedy:

H. J. R. 193. MOURNING THE DEATH OF JAMES J. JOHNSON OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of James J. Johnson of Mobile, Alabama, on February 13, 1989, at the age of 76 years; and

WHEREAS, a native and lifelong resident of Mobile, Mr. Johnson was the beloved son of Johnnie Johnson and Pearl A. Williams Johnson; he was a graduate of Mobile County Training School, and of Morehouse College where he received his B.S. degree; and

WHEREAS, Mr. Johnson, who was a retired insurance executive and associated with Unity Burial Life Insurance Company for some 35 years, also was a member of Prince of Peace Catholic Church, Knights of Peter Claver, 4th Degree Council #1, Elk Lodge #244, Omega Psi Phi Fraternity and Utophian, Inc.; and

WHEREAS, the death of James J. Johnson has indeed left a deep void in the life of the community, and in the hearts of all those to whom he brought great joy and happiness, touching their lives in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James J. Johnson of Mobile, Alabama, and extend our very deepest sympathy to his daughter and son, Mrs. Audrey P. Farrell and James A. Johnson; to his stepdaughter, Ms. Gloria A. Cooley; and to other family members, relatives and friends, for whom a copy of this resolution shall be provided that they all may know of our shared sorrow in their great and inconsolable loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 193, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up the Budget Isolation Resolution and the bill, H. 349, on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford, Budget Isolation Resolution relating to H. B. 349, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Curry, Dillard, Drake, Escott, Freeman, Gaston, Hall, Hammett, Harvey, Haynes, Headley, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, McKee, McMillan, Mikell, Penry, Poole, Slaughter, Spratt, Turner, Venable, Walker, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Curry, Dillard, Drake, Escott, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Haynes Headley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, McKee, McMillan, Melton, Mikell, Moon, Penry, Poole, Rains, Slaughter, Spratt, Turner, Venable, Walker, and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bailey and Bedford:

S. 187. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 187. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Drinkard:

S. 280. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Also:

By Senator Goodwin:

S. 259. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 280. Insurance.

S. 259. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Goodwin:

S. 230. To amend Section 36-22-16 of the Code of Alabama 1975, which provides for the minimum compensation of sheriffs, so as to increase the amount.

Also:

By Senator Foshee:

S. 215. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 230. Ways and Means.

S. 215. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Campbell:

S. 14. To amend Section 12-13-41 Code of Alabama 1975, which relates to duties of probate judges of this state so as to allow any probate office which maintained a single volume bound index volume for deeds, mortgages and other instruments on January 1, 1989 to continue to use such index, and to authorize any probate office to combine an index for the registration of deeds, mortgages and other instruments in a single mechanical electronic or computerized data base.

Also:

By Senators Ellis, Hale, and Bedsole:

S. 59. To amend Section 9-11-237, Code of Alabama 1975, as last amended, relating to the sale, barter, exchange, and purchase of game birds or animals or parts thereof, so as to permit the sale, purchase, barter or exchange for value, of certain untanned deer hides and hooves and certain finished product items.

Also:

By Senators Bedford, Covington, and Bailey:

S. 152. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program; and to provide that no person shall be released from custody for furlough without the board of pardons and paroles first authorizing such furlough.

Also:

By Senator Hilliard:

S. 201. To amend Sections 41-4-110, 41-4-111 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of stores for storage and distribution of personal property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 14. Judiciary.
- S. 59. Agriculture, Forestry and Natural Resources.
- S. 152. Judiciary.
- S. 201. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Manley:

S. 87. To amend and revise the notice of appointment of personal representatives and to amend and clarify the nonclaim statute by amending Ala. Code Sections 43-2-60, 43-2-61 and 43-2-350 (1975).

Also:

By Senator Manley:

S. 119. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

Also:

By Senator Manley:

S. 188. To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each commissioner, such term shall expire six days next following the day of the general election at which the successor to that office is elected and thereafter each such county commissioner shall hold his respective office from 12:01 A.M. of the seventh day next following his election and until his successor is elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 87. Judiciary.
- S. 119. Judiciary.
- S. 188. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hilliard:

S. 202. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 202. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Manley:

S. 18. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 18. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Figures:

S. 27. To amend section 39-1-1, Code of Alabama 1975, which requires bonds from persons contracting with the state or political subdivisions thereof for public works, so as to alter said bonding requirements.

Also:

By Senator Goodwin:

S. 189. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 27. State Administration.

S. 189. State Administration.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:32 A.M. on March 2, 1989.

H. J. R. 118.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Freeman, the House adjourned until 1:00 o'clock p.m., Thursday, March 7, 1989.

TENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 7, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Roger Wilmore, Pastor, Southside Baptist Church, Gadsden, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Perry O. Hooper, III, Montgomery, Alabama, son of Rep. Perry O. Hooper, Jr.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Butler, leave of absence was granted for Reps. Seibels and Grayson.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 194. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business for the 10th legislative day, Tuesday, March 7, 1989, taking precedence over any previous business or any pending Special Orders.

Report of Standing Committees

Introduction of Bills and Resolutions

And the Following Bills:

Inst Id	Page
<u>H. 313</u> —By Mikell (As Substituted)	57
Pharmacy Bd., sunset law review, continued with modifications, jury duty exemption deleted, revocation and suspension of licenses, consumer bd. memb., witness fees, Secs. 34-23-33, 34-23-90 thru 34-23-92 am'd., Sec. 34-23-5 repealed	
<u>H. 314</u> —By Curry	58
Veterinary Medical Examiners Bd., sunset law review cont. with modifications, consumer and veterinary technician on bd., restrictions on terms, admin. fines, temp. licenses eliminated, exemptions, Secs. 34-29-63, 34-29-69, 34-29-71, 34-29-77, 34-29-	
<u>H. 315</u> —By Curry (As Amended and Substituted)	59
Chiropractors bd., sunset law review cont. with modifications, cont. ed. req., consumer bd. memb., bd. powers, admin. fines, per diem, criminal penalties, Secs. 34-24-140, 34-24-142, 34-24-145, 34-24-166 am'd.	
<u>H. 316</u> —By Buskey (JL) (As Substituted)	87
Insurance Dept., sunset law review cont. with modifications, fees for testing, temp. licensing eliminated, Secs. 27-7-7, 27-7-23, 27-7-24, 27-7-25, 27-7-26, 27-8-7, 27-8-1 am'd.	
<u>H. 317</u> —By Buskey (JL) (As Amended)	59
Nursing home admin. bd., sunset law review cont. with modifications, fees incr., consumer memb. on bd., cert. requirements republishing lists removed, continuing ed., fines, Secs. 34-20-4, 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, am'd. Sec. 34-20	
<u>H. 318</u> —By Buskey (JL) (As Amended)	60
Physical therapists bd., sunset law review cont. with modifications, bd. memb. selection, terms, fees, delete temp. license, continuing ed. requirements, Secs. 34-24-192, 34-24-193, 34-24-215, 34-24-216 am'd.	
<u>H. 319</u> —By Knight (As Substituted)	107
Optometry Bd., sunset law review continued with modifications, disciplinary acts of bd., reciprocity, funds in st. treas., per diem, mail lists, Secs. 34-22-8, 34-22-21, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43 am'd.	
<u>H. 320</u> —By Buskey (JL) (As Amended)	61
Speech Pathologists and Audiologists, sunset law review, cont. with modifications, cont. ed., fees, admin. fines, consumer bd. memb., 30-day bd. hearing notice, Secs. 34-28A-25 through 34-28A-27, 34-28A-40, 34-28A-42 am'd.	

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H. 321—By Buskey (JL) 48

Plumbers and Gas Fitters Bd., sunset law review continued with modifications, rules procedure, admin. fines, cont., ed., licensing alt., temp. licenses elim., Secs. 34-37-2, 34-37-3, 34-37-4, 34-37-6, 34-37-8, 34-37-10 am'd.

H. 322—By Buskey (JL) (As Substituted) 53

Real Estate Commission, sunset law review cont. with modifications, terms defined, agency disclosure form, funds placed in Ala-fin. banks, register brokers to offices, remove residency re time shares, Secs. 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34

H. 323—By Buskey (JL) (As Amended) 61

Hearing Aid Dealers, sunset law review cont. with modifications, cert. disciplinary powers to bd. of health, cont. ed., eliminate temp. licensing, practice during grace period of license renewal prohib., rules adopted re qualifications and applicants, Secs

H. 324—By Buskey (JL) 49

Polygraph examiners bd., sunset law review transfers to dept. of public safety, Secs. 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-24, 34-25-25, 34-25-32, 34-25-36 am'd.

H. 325—By Buskey (JL) 62

Podiatry bd., sunset law review cont. with modifications, consumer bd. memb., certifying bd. under controlled sub. act, admin. fines, fees, per diem, funds deposited in st. treas., probate judge no longer req. to publish list of podistrists, Secs. 20-2

H. 326—By Buskey (JL) (As Amended) 108

Nursing bd., sunset law review, continued with cert. modifications, fees for midwives, consumer bd. memb., temp. permits eliminated, inactive licenses and fees, admins. fines, Secs. 34-19-5, 34-19-9, 34-21-2, 34-21-21, 34-21-22, 34-21-23, 34-21-

H. 327—By Kvalheim (As Amended) 63

Dental Examiners Bd., sunset law review, continued with modifications, cont. ed., bd. membs., fund created to go to st. treasury, Secs. 34-9-15, 34-9-40, 34-9-41 am'd.

H. 328—By Kvalheim 63

Medical examiners bd., medical licensure comm., sunset law review cont. with modifications, consumer memb. on bd. and comm., funds in st. treas., cont. ed. mandatory, Secs. 34-24-53, 34-24-54, 34-24-77, 34-24-310, 34-24-336 am'd.

On motion of Rep. Carter, the resolution, H. R. 194, was adopted.

BILLS ON SECOND READING

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 425. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

S. 188. To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each commissioner, such term shall expire six days next following the day of the general election at which the successor to that office is elected and thereafter each such county commissioner shall hold his respective office from 12:01 A.M. of the seventh day next following his election and until his successor is elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

H. 534. To repeal Section 11-43-11 of the Code of Alabama 1975, which prohibits employment of municipal officers by corporations holding franchises as to the use of streets of the municipality.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

H. 623. Relating to Sumter County, to disburse additional funds to the South Sumter County Development Authority from revenues generated by fees on waste storage or dumping and to include certain additional districts within the composition of said authority.

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

H. 683. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

H. 687. Relating to Perry County, providing further for an expense allowance for the chairman of the county commission.

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 47. (With Substitute): To provide that under certain circumstances, the state pardons and paroles board may consider for parole, any person sentenced under Section 13A-5-9 of the Code of Alabama 1975, as an habitual felony offender; granting the board certain rule making power.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 92. To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

H. 265. To amend Section 12-17-213 of the Code of Alabama 1975, relating to supernumerary district attorneys, so as to provide further for qualifications for such office.

H. 30. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

H. 536. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

The above bill was read a second time at length as required by the Constitution.

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

H. 135. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

H. 402. To amend section 32-5-192, Code of Alabama 1975, relating to a motor vehicle operator's implied consent to submit to chemical tests to determine blood alcohol content, so as to extend said implied consent to tests for controlled substances.

H. 309. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

H. 247. To amend §3-1-10 which provides penalties for unlawfully or maliciously killing or injuring animals or things of value of another by removing the ceiling of \$1,000 in damages and changing the criminal penalty from six months to up to one year in the county jail.

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

H. 207. To allow part time legislative employees who work on a regular basis when the legislature of Alabama is in session to make an additional contribution into the State of Alabama Employees' Retirement System Fund for additional credit towards retirement.

H. 266. To provide that a buyer may cancel a mail or telephone solicitation sale for goods, property, real estate or services within a certain period of time and provides for exceptions.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945. (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable

report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 573. (With Amendment): Relating to any Class I municipality; and to provide that the governing body of any Class I municipality may decide whether such municipality shall come within the purview of Sections 13A-12-1 and 13A-12-2 of the Code of Alabama 1975.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 574. Relating to Jefferson County; authorizing the City Council of the City of Birmingham to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Birmingham on Sunday.

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 540. (With Amendment): Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Richardson (With Notice and Proof):

H. 689. Pertaining to Jackson County, to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Jackson County Work Release and Pretrial Release Fund; to set standards for judicial officers in said county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety

on bail bonds in Jackson County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Jackson County Work Release and Pretrial Release Commission; to provide for the membership of said commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pretrial release and work release programs in Jackson County; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 689, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 690. Relating to the distribution of certain monies received by Escambia County from severance and privilege tax on oil and gas; amending further section 1 of Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, p. 215), relating to the payment, use and distribution of net monies received by the county from such tax, so as to further define the provision in the Code of Alabama 1975, which authorizes the distribution of such monies to the county; providing for the distribution of monies previously received by Escambia County from such tax under general law pursuant to section 4 of the said Act No. 82-744; and amending section 4 of said Act No. 82-744 so as to provide that the monies received by Escambia County under such section after the effective date of this amendatory act shall be deposited in the general fund of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 691. Providing that the district attorney of the twenty-first judicial circuit shall be reimbursed for certain contributions such district attorney is required to make under Act No. 88-921, S. 99 of the First Special Session of the Legislature in 1988.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 692. Relating to Escambia County, Establishing the office of Chairman of the Escambia County Commission, requiring that the person elected

to serve as such chairman serve full time, providing for the compensation of the Chairman of the Escambia County Commission and providing for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 692, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Hamilton, and Goodwin (With Notice and Proof):

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors; including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Marks (With Notice and Proof):

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hamilton and Starkey (With Notice and Proof):

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 695, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 696, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contacts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 697, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Fuller:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Fuller and Laird (With Notice and Proof):

H. 699. Relating to Chambers County; to abolish the office of constable therein.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 699, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 700. Relating to Chambers County; to provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 700, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Fuller

H. 701. To amend Section 27-32-3, Code of Alabama 1975, relating to actions concerning the liquidation, reorganization, conservation and rehabilitation of domestic insurance companies, so as to provide that the venue of all receiverships of licensed insurance companies shall be in Montgomery County Circuit Court.

Committee on Judiciary.

By Rep. Adams (With Notice and Proof):

H. 702. Relating to Russell County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; and expressing legislative intent regarding said contracts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 702, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 703. Relating to Russell County; levying a lodging tax; and providing for the collection and distribution of said tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Moon (With Notice and Proof):

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (RW), Melton, Layson, Poole, and Frazier (With Notice and Proof):

H. 705. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and the Tuscaloosa County Commission; to provide further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Knight, Hill, Zoghby, Curry, and McMillan:

H. 706. To create the Catastrophic Special Education Trust Fund to be administered by the State Department of Education for the purpose of providing educational services to catastrophic cases in Special Education and to further provide that unused portions of the funds be placed in The Catastrophic Special Education Trust Fund for future use in such cases.

Committee on State Administration.

By Rep. Black:

H. 707. To provide that all auxiliary state forests shall be open to legal hunting by the public.

Committee on Agriculture,
Forestry and Natural Resources.

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By Rep. Black:

H. 708. To repeal Sections 9-13-40 through 9-13-50 of the Code of Alabama 1975, which provides for auxiliary state forests.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Higginbotham:

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

Committee on Ways and Means.

By Reps. McClain, Curry, McDowell, White (G), Wright, Perdue, Rogers, Newton (D), Petelos, and Gray (With Notice and Proof):

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 710, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 711, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holmes:

H. 713. To further provide for sick leave credit for certain State employees employed by the State department of education, and to repeal any conflicting laws or rules or regulations.

Committee on Ways and Means.

By Rep. Payne:

H. 714. To establish a pension fund for Alabama fire fighters to be known as the Alabama fire fighters' annuity pension fund; to prescribe conditions for joining, withdrawing and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees and/or the Alabama fire fighters' personnel standards and education commission; to prescribe the membership of the board, provide for the election and terms of officers of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund, to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards; and to fix membership dues, and authorize gifts, contributions and donations to the fund.

Committee on Ways and Means.

By Rep. Mathis:

H. 715. To further amend Section 7-9-307, Code of Alabama 1975, as amended, relating to the Uniform Commercial Code and the Farm Products Central Index System, so as to remove livestock or stockyard buyers or sellers from the filing requirements.

Committee on Ways and Means.

By Rep. Mathis:

H. 716. To establish the Alabama Public Livestock Marketing Business Act; to establish a board to promote the marketing of livestock; and to establish charters for public livestock markets and to fix fees therefor.

Committee on Ways and Means.

By Reps. Drake and Bowling (With Notice and Proof):

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker:

H. 718. To amend Section 36-1-4.1, Code of Alabama, 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and

National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

Committee on State Administration.

By Reps. Curry, Knight, and Marks:

H. 719. To require certain persons, firms and corporations to reimburse a city or town for the cost of extinguishing or preventing a fire or clean-up of toxic spills due to said person's firm's or corporation's criminal intent, design, wilful negligence or failure to comply with certain laws, ordinances or regulations; to provide for the allocation of all funds so reimbursed to the city or town fire department; and to provide for recovery of certain legal expenses for such town or city.

Committee on Judiciary.

By Rep. White (L):

H. 720. To amend sections 27-7-7 and 27-8-7, Code of Alabama 1975, relating to licensing of property, casualty and surety insurance representatives and to licensing of life and disability insurance representatives, so as to provide further for the applications for the licenses and authorize contracts with testing institutions for the administration of licensing examinations.

Committee on Insurance.

By Reps. White (G), Gray, Escott, Davis, Wright, McClain, McDowell, Petelos, Perdue, Rogers, and Curry (With Notice and Proof):

H. 721. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579) as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 721, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hill (With Notice and Proof):

H. 722. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 722, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Beasley, Mathis, and Carothers (With Notice and Proof):

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton (C) and Beasley:

H. 724. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to alter the jurisdictional amount of the claims.

Committee on Judiciary.

By Rep. Fuller:

H. 725. To amend Section 32-2-25, Code of Alabama 1975, which provides for an arrest fee, so as to increase said fee and provide for its disposition.

Committee on Ways and Means.

By Reps. Petelos and Walker:

H. 726. To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and program by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Committee on Judiciary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Clark (W) and Buskey (JE):

H. R. 195. COMMENDING RUBY VANN BROWN FOR DISTINGUISHED SERVICE TO THE PRICHARD HOUSING AUTHORITY AND COMMUNITY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 87. COMMENDING COLUMBUS JAMES HASBERRY FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Perdue, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 87, said Senate amendment being as follows:

Amend H. J. R. 87 Page 1 as follows: anywhere the word center state appears change that to "center street."

RESOLUTION ADOPTED

On motion of Rep. Perdue, the resolution, H. J. R. 87 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 19. EXPRESSING SUPPORT FOR EXTENSION OF STEEL VRAs.

Also:

S. J. R. 32. EXPRESSING OPPOSITION TO THE USE OF FEDERAL MOTOR FUEL TAX INCREASES TO REDUCE THE BUDGET DEFICIT.

Also:

S. J. R. 40. COMMENDING ALABAMA GOVERNOR GUY HUNT AND GEORGE C. MARSHALL SPACE FLIGHT CENTER DIRECTOR JAMES R. THOMPSON, JR., FOR THEIR MEMORANDUM OF UNDERSTANDING WHICH STATES THAT THE GEORGE C. MARSHALL SPACE FLIGHT CENTER WILL ACTIVELY TRANSFER TECHNOLOGY TO THE PRIVATE SECTOR IN ALABAMA.

Also:

S. J. R. 50. COMMENDING THE HOMEWOOD HIGH SCHOOL BAND.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Perdue:

H. R. 196. COMMENDING COLUMBUS JAMES HASBERRY FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

Also:

The following resolutions were introduced:

By Rep. Rains:

H. J. R. 197. PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION REMOVING THE RESTRICTION UPON THE NUMBER OF TIMES A PERSON MAY BE ELECTED TO THE OFFICE OF PRESIDENT.

WHEREAS, the citizens of the United States should be entitled to elect any person meeting constitutional qualifications to the Office of President of the United States; and

WHEREAS, in times of war and national emergency it may be in the best interest of our nation for the incumbent President to continue in office; and

WHEREAS, members of the Legislative and Judicial Branches of government tenure of office is not restricted to a particular number of years; and

WHEREAS, Article V of the Constitution of the United States provides that "Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments" to the constitution which "shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States to propose an amendment to the constitution of the United States, amending or superseding Amendment XXII of the constitution, so as to remove the restriction upon the number of times a person may be elected to the Office of President.

BE IT FURTHER RESOLVED, That the legislatures of each of the several states comprising the United States are urged to request the Congress to propose said amendment to the Federal Constitution.

RESOLVED FURTHER, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding

officers of both houses of the Legislatures of each of the other States in the union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., and to each member of the Alabama Congressional Delegation.

The resolution, H. J. R. 197, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Penry, McMillan, Zoghby, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. J. R. 198. COMMENDING ALICE VIVIAN SMITH OF MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, on February 9, 1989, Alice Vivian Smith of Montgomery was presented with the Papal Medal, "Pro Ecclesia et Pontifice," which was established in 1888 by authority of Pope Leo XIII, and is an honored symbol of public recognition for outstanding achievement and faithful dedication to Church and Pope; and

WHEREAS, Alice Smith is a deeply committed member of Saint Peter's Parish where she founded the Parish Council and has been active with the Parish Youth Ministry; and

WHEREAS, she has served as President of the Archdiocesan Council of Catholic Women; President, Montgomery Deanery, ACCW; Parliamentarian, ACCW; Youth Representative to the ACCW; and in many other positions; and

WHEREAS, in an extension of lay leadership, Alice Smith served on the Archdiocesan Pastoral Council, on the Boards of Seton Haven retirement home and Catholic High School, and was called upon to respond to the Bishop's survey on Women in the Church; and

WHEREAS, Alice Vivian Smith, in devoting her tireless energies to Church and community and through continuous leadership, is an exemplar of service rendered in piety and humility, and which commendable service has now been acknowledged in a most public manner through the gracious conferment of the august cross, "Pro Ecclesia et Pontifice," by infallible authority of His Holiness John Paul II, and given at the Vatican on October 13, 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement, and in esteem of the bestowal upon her of the

Papa1 Medal of Honor, we hereby commend Alice Vivian Smith of Montgomery, Alabama, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 198, was adopted.

REPORT FILED

Pursuant to Act No. 88-718, created by H. J. R. 127, Rep. Roy Johnson, Chairman, submitted the report of the Joint Interim Committee on Emergency Medical Services, and the report was ordered filed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On Motion of Rep. Mikell Budget Isolation Resolution relating to H. B. 313, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Brooks, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Goodwin, Grouby, Hall, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 313. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend

Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to eliminate references to "theoretical subjects" in examinations of applicants; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of Board of Pharmacy, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Pharmacy, created and functioning pursuant to Sections 34-23-1 through 34-23-118, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved, except section 34-23-5 which is expressly repealed.

Section 3. Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92 of the Code of Alabama 1975, are hereby amended to read as follows:

"§34-23-33.

~~"The board may revoke, suspend or place on probation the license of any pharmacist licensed in this state or the permit to operate any pharmacy in this state whenever it shall be established to the satisfaction of the board after a hearing as hereinafter provided that such person has been guilty of any of the following: The board shall have the power and duty to revoke, suspend, place on probation, or require remediation for any licensed pharmacist for a specified time to be determined at the discretion of the board and to take the same or similar action against the permit to operate any pharmacy in this state, whenever the board shall find by a preponderance of the evidence, or pursuant to a consent decree that the pharmacist has been guilty of any of the following acts or offenses:~~

~~"(1) Obtaining the license to practice pharmacy or permit to operate a pharmacy by fraudulent means;~~

~~"(2) Violation of the laws regulating the sale or dispensing of narcotics, exempt narcotics or drugs bearing the label "caution, federal law prohibits dispensing without prescription" or similar wording which causes such drugs to be classified as prescription legend drugs;~~

~~"(3) Conviction of a felony; (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);~~

~~"(4) Violation of any rule or regulation published by the board, Conviction of any crime or offense that reflects the inability of the practitioner to practice pharmacy with due regard for the health and safety of the patients;~~

~~"(5) Gross immorality or addiction to alcohol or drugs to such a degree as to render such person unfit to compound, sell or dispense drugs or medicines; Inability to practice pharmacy with reasonable skill and safety to patients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol,~~

chemicals or any other substance or as a result of any mental or physical condition.

"When the issue is whether or not a pharmacist is physically or mentally capable of practicing pharmacy with reasonable skill and safety to patients, then, upon a showing of probably cause to the board that the pharmacist is not capable of practicing pharmacy with reasonable skill and safety to patients, the board may require the pharmacist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the board. The expense of such examination shall be borne by the board. Where the pharmacist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the pharmacist shall be permitted to obtain his or her own evaluation at the pharmacist's expense. If the objectivity or adequacy of the examination is suspect, the board may complete the examination by the designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every pharmacist licensed to practice pharmacy in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicate evidence of mental incompetence.

"(6) Reprehensible conduct which would bring reproach upon members of the profession; Gross malpractice or repeated malpractice or gross negligence in the practice of pharmacy;

"(7) Whenever, in the judgment of the board, the person is no longer physically or mentally capable of performing his duties as a licensed pharmacist; Violation of any provisions contained in Title 34, Chapter 23;

"(8) Violation of section 34-23-8; Employing, assisting or enabling in any manner any unlicensed person to practice pharmacy;

"(9) Employing, assisting or enabling in any manner any unlicensed person to practice pharmacy; or The suspension or revocation by another state of a license to practice pharmacy (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);

"(10) Violation of the code of professional conduct of the state board of pharmacy. Refusal to appear before the board after having been ordered to do so in the writing by the executive officer or chair of the board;

"(11) Making any fraudulent or untrue statement to the board; or

"(12) Violation of the Code of Professional Conduct adopted by the board in the rules and regulations of the board."

"§34-23-51.

"Every person who desires to practice pharmacy within this state shall file with the secretary of the board his written application for licensure upon forms furnished by the board not less than 10 days prior to his examination. The application must be accompanied by an examination and registration fee for residents and nonresidents of this state, said fees to be set by the board, not to exceed \$15.00 plus the actual cost of the examination. The application shall be accompanied by two recent photographs of the applicant, no larger than 2 1/2 x 3 1/4 inches and certified on the back of each

photograph by a notary public. The applicant must furnish satisfactory proof that he is 19 years of age, of good moral character and that he holds a professional degree from a division, school, college or university department of pharmacy recognized by the state board of pharmacy. The applicant must have completed an approved practical training program under the supervision of a licensed pharmacist in a pharmacy recognized by the board as qualified for training pharmacy externs and interns, such training standards to be established by the board as long as the standards are not less than those set by the National Association of Boards of Pharmacy. The completion of the practical training requirements must be attested by affidavit from the supervising licensed pharmacist under whom the training is served. The applicant must pass an examination administered by the board in subjects consistent with those required by the National Association of Boards of Pharmacy and in accordance with the rules and regulations of the board. In case of failure of a first examination, the applicant shall have within three years privilege of a second and third examination. In case of failure in the third examination, the applicant shall be eligible for only one additional examination and this only after he has satisfactorily completed additional preparation as directed and approved by the board. ~~An applicant may be admitted to the examination in theoretical subjects only if all of the foregoing requirements are met other than the requirement of practical pharmacy training.~~ An applicant may be admitted to the examination in ~~practical pharmacy~~ provided all of the foregoing requirements are met and in addition that affidavits attesting to the prescribed practical training program have been presented to the secretary prior to the examination. An application for examination by the board may be denied if the applicant is proven to have been involved in any violation of this chapter. Any applicant who has been expelled from an examination for cribbing, cheating or other dishonest conduct shall not be permitted to complete the examination applied for and shall not be permitted to file a new application for examination during the balance of the same calendar year or the calendar year next following such expulsion. The board may issue a license without examination to an applicant who furnishes satisfactory proof that he has been licensed to practice pharmacy by examination in another state that under like conditions grants reciprocal licensure without examination to pharmacists duly licensed by examination in this state, that he is a person of good moral character and temperate habits, and provided that the requirements in the state from which the applicant is reciprocating were no less than the requirements of the National Association of Boards of Pharmacy. The application must be accompanied by a fee set by the board. Each applicant for licensure by reciprocity shall be personally interviewed by two or more members of the board before being granted a license, and such applicant must pass a written examination on the laws governing the practice of pharmacy in this state. The applicant shall be approved for reciprocity by the board prior to the time that he begins the duties of a licensed pharmacist in this state. No applicant shall be granted reciprocal licensure unless all evidence and supporting documents of licensure in the state from which the applicant is reciprocating are approved as meeting the requirements for reciprocity of the National Association of Boards of Pharmacy. The board shall set and collect a fee for submitting and certifying grades for reciprocity in other states."

"§34-23-90.

"(a) The Alabama state board of pharmacy is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. The board shall consist of five members, at least one of which shall be

actively engaged in the practice of pharmacy in a hospital. The members of the board shall be licensed pharmacists who have been licensed in this state for a minimum of 10 years and who are actively engaged in the practice of pharmacy. On or before December 1 of 1981 and five years thereafter or whenever a vacancy occurs in the designated position, the Alabama Society of Hospital Pharmacists shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a hospital pharmacy. On or before December 1 of 1983, December 1 of 1984, December 1 of 1985 and five years from these dates or whenever a vacancy occurs in a non-designated position, the Alabama Pharmaceutical Association shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a retail pharmacy. From the names submitted to the governor, he shall appoint a replacement for the member(s) whose term is next expiring on or before December 31 of the same year in which he receives the nominations. Any vacancies occurring on the board other than by expiration of term shall be filled only for the unexpired term by appointment by the governor from the most recent list of nominations submitted. The first vacancy which occurs on the board following the passage of this section shall be filled from the list submitted by the statewide professional organization representing those actively engaged in the practice of pharmacy in a hospital. Each member of the board shall serve a term of five years beginning on January 1 following his appointment and terminating on December 31 of his fifth year as a member of the board, or until his successor is appointed and duly qualified.

“(b) No member shall be eligible to serve more than two full consecutive terms of office.”

“(c) The governor, upon recommendation of the board, may remove a member of the board upon proven charges of inefficiency, incompetency, immorality, or professional misconduct. Appointees to the board shall within 30 days after their appointment take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the secretary of state. At its last regular meeting in each calendar year, the board shall organize by electing for a term of one year, effective the following January 1, a president, a vice-president and a treasurer who shall be members of the board. The board shall also elect a secretary who may or may not be a member of the board and who shall be compensated for his services by the board, and the board shall have the authority to fix the amount of the secretary's remuneration.”

“§34-23-91.

“The president of the board shall preside at all of the board's meetings, and in his absence or inability, the vice-president shall preside. The secretary of the board shall be the executive officer in charge of the board's office. He shall make, keep and be in charge of all records and record books required to be kept by the board, including a register containing all information which shall be required under this chapter; he shall attend to the correspondence of the board and shall perform such other duties as the board may require in keeping with the office of secretary. He shall receive and record all fees collected under this chapter and, at regular intervals as ordered by the board, shall pay the same over to the treasurer of the board for its use. The secretary is empowered to have such forms printed and office supplies furnished as may be necessary to carry out the provisions of this chapter. The secretary and treasurer of the board shall each furnish bond in an amount to be fixed

by the board, the same to be conditioned upon the faithful performance and discharge of their respective official duties. The members of the board shall be paid ~~\$25.00 per diem and all necessary expenses, including an amount for payment of relief pharmacists incurred the same per diem and travel allowance as is paid by law to state employees while engaged in the performance of the duties of the board,~~ in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board. The board shall likewise determine and fix the daily rate for payment of relief pharmacists. The board shall conduct meetings at least three times annually and more often when deemed necessary for the examination of applicants for licensure and for the transaction of such business as may legally come before it. Public notice of all stated meetings shall be given at least 30 days in advance of said meetings. At all meetings of the board, a majority shall constitute a quorum. The place of meetings of the board shall be at the discretion of the members. The treasurer of the board shall have in his custody all funds derived from the various provisions of this chapter. All disbursements shall be made by check as authorized by vouchers signed by the president and secretary of the board. The books and records of the board as made and kept by the secretary or under his supervision shall be prima facie evidence of the matter therein recorded in any court."

"§34-23-92.

"The board shall exercise, subject to the provisions of this chapter, the following powers and duties:

"(1) To adopt rules concerning the records and reports to be kept and made by a pharmacy relating to the filling of prescriptions and the handling and preservation of drugs.

"(2) To fix standards and requirements for licenses and permits except as otherwise specified in this chapter.

"(3) To make rules and regulations regarding sanitation consistent with state health regulations.

"(4) To employ such chemists, agents, clerical help and attorneys necessary for the proper administration of the duties of the board.

"(5) To employ a chief drug inspector and other drug inspectors not to exceed six that it deems necessary to enforce the provisions of this chapter which are under the supervision of the board.

"(6) To adopt rules and regulations for the administration and enforcement of this chapter and not inconsistent herewith. Such rules and regulations shall be referenced to the section or sections of this chapter which set forth the legislative standard which it interprets or to which it applies. Every such rule and regulation shall be in writing, shall state its effective date and the date of its adoption and shall be entered into an indexed permanent book which shall be a public record. No such rule or regulation shall be adopted until notice of its proposed consideration shall have been given for at least 15 days by publication on a public bulletin board at the offices of the board and by publication one time of the proposed rule or regulation in at least three newspapers of general statewide circulation, adopted in accordance with the Alabama Administrative Procedure Act. A copy of every rule and regulation containing a requirement of general application shall be mailed to each registered pharmacist at least 10 days before the effective date thereof. The failure of a registered pharmacist to receive a copy of such

rule or regulation shall not exempt him from the duty of compliance with the valid rules and regulations lawfully issued.

"(7) To investigate violations of this chapter or any other law pertaining to the practice of pharmacy that may come to the knowledge of the board and institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith.

"(8) To issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials or other evidence in matters pending before the board relating to the revocation, or suspension or probation of any license. Those persons issued subpoenas and compelled to attend hearings or meetings in matters pending before the Board of Pharmacy shall be entitled to witness fees from Board of Pharmacy Funds. Claims for witness fees shall be made on accepted State of Alabama voucher forms as appropriate. Travel and mileage expenses shall be reimbursed to witnesses in the amounts officially authorized to the Board and its personnel at the time the service to the Board of Pharmacy is performed.

"(9) The members of the board shall have the power and authority to administer oaths in connection with the duties of the board.

"(10) The board shall make a written report annually of its receipts and disbursements to the governor and to the state pharmaceutical association. Included in this report shall be the names of all registrants licensed to practice under this chapter and a record of all permits issued during the period covered by the report.

"(11) It shall be the duty of the board to enforce the provisions of the state barbiturate act, the state amphetamine act, the state narcotic law and all other laws of the state which pertain to the practice of pharmacy, the examination of applicants, the licensing of pharmacists, the manufacture, packaging, repackaging, production, sale or distribution of drugs, chemicals and poisons, and all laws pertaining to standards for their strength and purity. The board may work in conjunction with other law-enforcement agencies to enforce the provisions of any law pertaining to the practice of pharmacy. Nothing in this section shall be construed to deprive the state board of health of any powers or duties otherwise prescribed by law including the enforcement of the narcotic law.

"(12) It shall be the duty of the board to investigate alleged violations of this chapter or any rule or regulation published by the board and conduct hearings to revoke, or suspend or probate any license or permit granted by the board under the provisions of this chapter and to invoke penalties not to exceed the sum of \$1,000.00 for each such violation(s) and to institute any legal proceedings necessary to effect compliance with this chapter; provided, that any person, firm or corporation subjected to such penalty or legal proceedings may take an appeal to the circuit court of the county wherein the violation allegedly occurred within 30 days, and the trial of any such appeal shall be de novo in accordance with the provisions of Section 34-23-94.

"(13) On application of any person and payment of the cost therefor, the secretary of the board shall furnish, under its seal and signed by him, a certified copy of his license or permit, regulation or rule. In any court or proceeding, such copy shall be prima facie evidence of the fact of the issuance of such permit or license and the adoption of such rule or regulation."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed, and section 34-23-5, Code of Alabama 1975, is hereby expressly repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (W), Cosby, Crow, Curry, Dillard, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Knight, Kvalheim, Laird, Logan, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Rains, Richardson, Sanderford, Spratt, Starkey, Turner, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—54

And the bill:

H. 313. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to eliminate references to "theoretical subjects" in examinations of applicants; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Holmes, Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Penry, Petelos, Rains, Richardson, Sanderford, Spratt,

Starkey, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—60

S. 230 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 230, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 87. COMMENDING COLUMBUS JAMES HASBERRY FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Curry Budget Isolation Resolution relating to H. B. 314, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cosby, Curry, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Higginbotham, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L), Williams, Wright and Zoghby.

—54

H. 314 TEMPORARILY CARRIED OVER

On motion of Rep. Curry, the bill, H. 314, was temporarily carried over.

Yeas 37; Nays 6.

Yeas:

Mr. Speaker, Blake, Breedlove, Buskey (JE), Cosby, Crow, Curry, Dillard, Goodwin, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Logan Marietta, Marks, Mathis, McClain, McDowell, McKee, Petelos, Poole, Sanderford, Starkey, Turner, Turnham, Walker, White (F), White (L), Williams, Willis, Wright and Zoghby.

—37

Nays: Reps. Brooks, Grouby, Hamilton, Laird, McMillan and Mikell.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 168. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

Also:

H. J. R. 170. COMMENDING THE WASHINGTON COUNTY UNITED WAY HUMANITARIAN AWARD RECIPIENT, PAUL PETCHER OF CHATOM, ALABAMA.

Also:

H. J. R. 171. COMMENDING BETTY R. PURVIS OF MILLRY, ALABAMA, WASHINGTON COUNTY UNITED WAY'S 1988 VOLUNTEER OF THE YEAR.

Also:

H. J. R. 177. NAMING THE COSMETOLOGY BUILDING AT SHELTON STATE COMMUNITY COLLEGE IN HONOR OF LEO SUMNER.

Also:

H. J. R. 180. CONGRATULATING EILEEN LAZZARI, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 181. CONGRATULATING SIR MICHAEL FORD, FAIRHOPE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 182. CONGRATULATING MARY ANN HALLIDAY, BAY MINETTE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 183. CONGRATULATING MARGARET MELCHER, GULF SHORES, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 184. CONGRATULATING HELEN CALLOWAY, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 185. CONGRATULATING JANICE NETH, ROBERTS-DALE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 186. CONGRATULATING MARY GUARISCO, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 187. CONGRATULATING MARGARET PETERSON, ELBERTA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 188. CONGRATULATING AILEEN WOODS, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 189. CONGRATULATING SIR C. JOSEPH HAMBURGER, DAPHNE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 190. COMMENDING THE ATHLETIC DEPARTMENT, COACHES AND TEAMS OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 191. COMMENDING DR. FREDERICK PALMER WHIDDON OF MOBILE, ALABAMA, UPON HIS ELECTION AS MOBILIAN OF THE YEAR, 1989.

Also:

H. J. R. 192. COMMENDING E. ADOLPH SOUTH OF TUSCALOOSA, ALABAMA, FRATERNAL ORDER OF POLICE OUTSTANDING LAW ENFORCEMENT OFFICER OF THE YEAR.

Also:

H. J. R. 193. MOURNING THE DEATH OF JAMES J. JOHNSON OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Curry Budget Isolation Resolution relating to H. B. 315, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Perdue, Petelos, Poole, Rains, Sanderford, Starkey, Turner, Turnham, White (F), Williams, Willis, Wright and Zoghby.

—60

And the bill:

H. 315. (With Substitute) (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-140, 34-24-142, 34-24-145, 34-24-161 and 34-24-166, Code of Alabama 1975, so as to provide for a consumer member on the board; to provide board members the same per diem and travel allowance as is paid state employees; to require the board to adopt a continuing education program by October 1, 1991; to require the board to perform certain duties and functions transferred to it by Act 81-217, H. 213, 1981 Regular Session; to provide for a national examination of certain applicants; to authorize the board to adopt and collect administrative fines and to institute legal proceedings for disciplinary actions and to provide Class C misdemeanor punishment for unauthorized practice of chiropractic.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (RG) offered the following substitute to the substitute and to the amendments reported by the Standing Committee on Health:

A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, §§34-24-120, 34-24-121, 34-24-122 and 34-24-123 relating to the practice of chiropractic; to amend Code of

Alabama 1975, §§34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144 and 34-24-145 relating to the Alabama State Board of Chiropractic Examiners; to amend Code of Alabama 1975, §§34-24-160, 34-24-161, 34-24-163, 34-24-164 and 34-24-165 relating to licensure of chiropractors; to amend Code of Alabama 1975, §§34-24-166, 34-24-167, 34-24-168 and 34-24-170 relating to refusal, revocation or suspension of licenses, notice and conduct of hearings in contested cases, costs; to amend Code of Alabama 1975, §34-24-172 relating to issuance of licenses after revocation or refusal; to prescribe rules of evidence in contested cases; to prescribe form and content of final orders in contested cases; to prescribe procedure for appeal from final decision in a contested case, and judicial review; to provide for reinstatement of lapsed license to practice chiropractic; and to repeal Code of Alabama 1975, §§34-24-162, 34-24-169 and 34-24-171.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be entitled "The Chiropractic Amendments Act of 1989."

Section 2. Code of Alabama 1975, Title 34, Chapter 24, Article 4, §§34-24-120, 34-24-121, 34-24-122, 34-24-123, 34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144, 34-24-145, 34-24-160, 34-24-161, 34-24-163, 34-24-164, 34-24-165, 34-24-166, 34-24-167, 34-24-168, 34-24-170 and 34-24-172 are hereby amended to read as follows:

“§ 34-24-120.

“(a) The term “chiropractic,” when used in this article, is hereby defined as the science and art of locating and removing without the use of drugs or surgery any interference with the transmission and expression of nerve energy in the human body by any means or methods as taught in schools or colleges of chiropractic which are recognized by the state board of chiropractic examiners.

“(b) Any chiropractor, who has been certified and licensed by the state board of chiropractic examiners ~~and licensed by the state licensing board for the healing arts~~ may examine, analyze and diagnose the human body and its diseases by the use of any physical, clinical, thermal or radonic method, and the use of x-ray diagnosing, and may use any other general method of examination for diagnosis and analysis taught in any school of chiropractic recognized by the state board of chiropractic examiners.

“(c) Chiropractors certified and licensed by the state board of chiropractic examiners ~~and licensed by the state licensing board for the hearing arts~~ may practice chiropractic as set forth in subsections (a) and (b) of this section and may also recommend the use of foods and concentrates, food extracts, and may apply first aid and hygiene, but chiropractors are expressly prohibited from prescribing or administering to any person any drugs included in materia medica, except as herein provided, from performing any surgery, from practicing obstetrics or from giving x-ray treatments or treatments involving the use of radioactive materials of any description.

“§ 34-24-121.

~~“Chiropractors shall have the right to advertise within the limits prescribed by the statute creating the state license board for the healing arts. The state board of chiropractic examiners shall have the right to regulate advertising by chiropractors within the limits prescribed by this article and the rules and regulations governing the practice of chiropractic in this state.~~

"§ 34-24-122.

"Chiropractors who have complied with the provisions of this article shall have the right to ~~adjust~~ treat patients according to specific chiropractic methods and shall observe state, county and municipal public health regulations, reporting to the proper health officers the same as other practitioners. Chiropractors shall not prescribe or administer medicine to patients, perform surgery, nor practice obstetrics or osteopathy.

"§ 34-24-123.

"It shall be unlawful for any person to practice chiropractic unless he shall have first obtained a valid ~~certificate of qualification~~ license as provided in this article and possesses all the qualifications prescribed by the terms of this article. Any person who shall practice or attempt to practice chiropractic without such a ~~certificate~~ license or any person who shall buy or fraudulently obtain such a ~~certificate~~ license or shall violate any of the terms of this article, or shall use the title "chiropractic," "D.C." or any word or title to induce the belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for not less than 30 days nor more than one year, either or both, at the discretion of the court. All subsequent offenses shall be separate and distinct offenses and punishable in like manner.

"§ 34-24-140.

"(a) There is hereby created and established a state board of chiropractic examiners. The board shall be composed of seven members, each of whom shall be: a resident of Alabama who has resided in this state for at least ~~two~~ five years; a graduate of a chartered chiropractic school or college which required actual attendance in the school as a prerequisite to graduation therefrom; currently engaged in the practice of chiropractic and have been engaged in such practice in this state for a period of at least ~~two~~ five years and of good moral character. Not more than three members of the board shall be graduates of the same chiropractic school or college. The present members of the board of chiropractic examiners shall serve out their appointed terms.

"By June 15, ~~1985~~ 1989, or as soon as practical, the board of chiropractic examiners shall call a caucus in Congressional Districts ~~1, 2, 3, and 7~~ 4. These districts will nominate members to be submitted to the governor, who will name one member from each such congressional districts, ~~immediately, and name one member from each of the two remaining congressional districts~~ as soon as vacancies occur on the board of chiropractic examiners. Additionally, upon the effective date of this act, the governor shall appoint an additional consumer member to the board. The consumer member shall have no vote in matters concerning licensure or discipline, and neither the consumer member, nor his or her spouse, shall be a chiropractor.

"~~The first~~ Two such appointees will be appointed for a term ending ~~January 1, 1987~~ December 31, 1993. The initial appointee for Congressional District 4, and the initial consumer member, will be appointed for a term ending December 31, 1992. Following this, the terms of appointment will be staggered for a period of three four years.

"The ~~Alabama~~ state board of chiropractic examiners shall call a caucus annually in June of resident licensed chiropractors in each congressional

district that will have an upcoming vacancy occurring on the board, and shall notify the licensed chiropractors of each congressional district at least 30 days prior to the caucus, announcing the time and place of the caucus. All nominees' names will be submitted to the governor and he will select from this list.

"Whenever a vacancy occurs on the board, whether by expiration of the term, death or resignation of a member or other cause, the vacancy shall be filled in the same manner as the original appointments are made. Before appointing any member of the board, the governor shall satisfy himself that the appointee is of high character and standing and possesses the other qualifications prescribed in this section.

"(b) The board may employ investigators, inspectors, attorneys and any other agents and employees and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of state and federal law.

"(c) The board shall employ an executive secretary who shall be responsible for the administration of board policy. The executive secretary shall be licensed to practice chiropractic in this state as provided in this article.

"(e) (d) The board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive secretary at cost, which cost shall be estimated and set from time to time by resolution of the board.

"§ 34-24-141.

"Upon the expiration of the respective terms of the seven members appointed for the terms designated in section 34-24-140, members of the board shall be appointed for a term of ~~three~~ four years beginning with date of appointment, it being the intent and purpose of this article that the members of the board shall serve for staggered terms of ~~three~~ four years each. No member shall serve more than two consecutive terms on the board, effective January 1, 1990. Time served on the board prior to January 1, 1990, shall not count toward this limitation. The governor shall have the power to remove from office any member of the board for the neglect of any duty required by this article, for incompetency or for unprofessional conduct, or upon sufficient proof to the governor of the inability, misconduct or such conduct as in the discretion of the governor is unbecoming a member of the board. Vacancies on the board by reason of death, resignation or otherwise shall be filled by appointment by the governor for the unexpired term in the manner prescribed in section 34-24-140. Before taking office, the members of the board shall take and file with the secretary of state the constitutional oath of office required by section 279 of the Constitution of Alabama.

"§ 34-24-142.

"Each member of the board shall be entitled to receive ~~\$10.00~~ \$60.00 for each day's attendance at a meeting of the board, ~~plus actual subsistence and traveling expenses incurred in attending such meetings plus an amount not to exceed the per diem expense and transportation costs allowed to Alabama state employees for in-state travel.~~ All expenditures by the board shall be made only on requisition signed by the president or vice-president of the board.

"§ 34-24-143.

"All examination fees, certification fees, renewal fees and other such funds received by the board under the provisions of this article shall be deposited in the state treasury to the credit of the state board of chiropractic examiners, and all such funds are hereby appropriated to the board to defray the expenses incurred in carrying out the provisions of this article. Such expenses shall include printing, stamps, stationery, clerical help, travel and other necessary expenditures. The books and records of the board shall be subject to state audit in the same manner and to the same extent as any other state agency. The secretary-treasurer or the executive secretary shall keep a true and accurate account of all funds received by the board and all expenditures made by the board.

"§ 34-24-144.

"The members of the state board of chiropractic examiners shall convene within 30 days after their appointment and elect a president, vice-president and secretary-treasurer from among their members, and thereafter the board shall elect, annually, a president, vice-president and secretary-treasurer from among the members of the board. The board shall hold its regular sessions ~~during the second week of April and October of each year~~ biannually. The board shall adopt a seal, which shall be affixed to all ~~certificates~~ licenses issued. A majority of the board shall constitute a quorum. The board shall from time to time adopt such rules and regulations as it may deem proper and necessary for the performance of its duties. The secretary-treasurer and the executive secretary of the board shall give bond in the principal sum of \$1,000.00, payable to the state of Alabama, for the faithful performance of his duties. The premiums for such bond shall be paid by the board from the funds appropriated for its use.

"§ 34-24-145.

"(a) The ~~Alabama~~ state board of chiropractic examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at board-approved chiropractic colleges accredited by the counsel of chiropractic education and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic under the direct on-premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, also under the supervision of the school. The limited license shall expire immediately upon the board issuing the results of the ~~first~~ second licensure examination ~~after the limited licensee's graduation~~.

"(b) The ~~Alabama~~ state board of chiropractic examiners shall prohibit the use of more than one limited license student or graduate to one sponsor licensed to practice chiropractic.

"(c) The ~~Alabama~~ state board of chiropractic examiners is empowered to establish rules and regulations for the implementation of this section, including, but not limited to, providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and requiring fees for participation.

"(d) The state board of chiropractic examiners shall implement and perform all powers and duties transferred to it pursuant to Act 81-217, H. 213, 1981 Regular Session (Acts 1981, p. 271).

"§ 34-24-160.

"Any person wishing the right to practice chiropractic shall make ~~written~~ application to the state board of chiropractic examiners in such form as the board may prescribe. Each applicant shall be of good moral character and shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course. Such applicant shall also have had literary training equaling as much as a regular high school. Application ~~shall be in writing and shall be signed by the applicant in his own handwriting, and shall be sworn to before some officer authorized under the laws of this state to administer oaths notarized, and shall recite the history of the applicant's educational qualifications, how long he had studied chiropractic, what collateral branches, if any, he has studied, the length of time he has engaged in clinical practice, with proof thereof in the form of diplomas, certificates, transcripts, etc.~~ Each applicant shall submit with his application satisfactory evidence of good character and reputation. Each applicant for a certificate of qualification licensure shall pay to the board a fee of not less than \$50.00 and not more than \$150.00, the exact amount to be fixed annually by resolution of the state board of chiropractic examiners. The fee shall accompany the application. A like fee of not less than \$50.00 and not more than \$150.00, the exact amount to be fixed by resolution of the state board of chiropractic examiners shall be paid for any subsequent application examination.

"§ 34-24-161.

"(a) ~~All examinations shall be in writing and upon the following subjects: symptomology, physical diagnosis, neurology, hygiene and sanitation, chiropractic orthopedy, nerve tracing and adjusting as taught by standard chiropractic schools or colleges and spinography. A certificate of qualification shall be issued to the state board for the healing arts for each applicant examined who shall correctly answer 75 percent of all questions asked; if any applicant shall fail to answer correctly 75 percent of the questions on any branch of such examination, he or she shall not be entitled to a certificate of qualification.~~

"Each applicant, who matriculated into a chiropractic college after January 1, 1973, must pass parts one and two of the examination administered by the National Board of Chiropractic Examiners.

"(b) The state board of chiropractic examiners shall prescribe rules and regulations governing the subjects upon which applicants for licensure shall be examined, the conduct of examinations, the times and places of examinations and requirements for successful completion of examinations. A license shall be issued for each applicant examined who shall correctly answer 75 percent of all questions asked.

"(b) (c) Upon completion of all requirements for licensure an applicant shall be issued a license. The fee for issuance of a license shall not be more than \$50.00, the exact amount to be established by the board. Each license shall be dated and numbered in the order of issuance and shall be signed by the executive secretary and the president of the board.

"(e) (d) Replacement licenses:

(1) Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the board. Such application

must be accompanied by an affidavit setting out the facts concerning the loss or destruction.

(2) Name change. Any licensee whose name is changed by marriage or court order may surrender his-her license and apply for a replacement license.

(3) The fee for any replacement license shall be not more than \$50.00, the exact amount to be established by the board.

~~(d)~~ (e) Each licensed chiropractor who is actively engaged in practice or who holds himself out as a chiropractor shall place or cause to be placed in a conspicuous place at the entrance of his office or place in which he practices a sign in intelligible lettering not less than one inch in height containing the name of the chiropractor ~~immediately followed by the recognized abbreviation indicating the professional degree held by the chiropractor, and containing immediately below the chiropractor's name, in equal size lettering no smaller than half the size of the chiropractor's name, the words "CHIROPRACTOR "or" CHIROPRACTIC."~~ The intent of this requirement is that the licensee's office be clearly identified by name and profession.

"§ 34-24-163.

"Notwithstanding any section of this article or any other law to the contrary, the board shall issue a certificate license to practice chiropractic without examination to any person in the active practice of chiropractic in the state of Alabama on January 1, 1960; provided, that said person shall make a written application to the board on forms and in the manner prescribed by the board; and provided further, that said person produces evidence satisfactory to the board that he is a graduate of a school or college of chiropractic recognized by the board and is of good moral character. Such application shall be accompanied by a \$25.00 application fee. Any person who is in the armed forces of the United States and who otherwise meets the qualifications of this section and was actively in the practice of chiropractic in this state before becoming a member of the armed forces of the United States shall have 90 days after discharge or resignation from the armed forces of the United States in which to make application. The provisions of this section shall be further governed by the portions of this article which specifies methods for revocation, refusal or suspension of licenses, or rules and regulations governing retirement or surrender of licenses.

"§ 34-24-164.

"Every person who receives a license to practice chiropractic ~~from the state licensing board for the healing arts~~ shall have it recorded in the office of the judge of probate of the each county in which he resides practices and shall likewise have it recorded in the counties to which he may subsequently remove for the purpose of practicing chiropractic and shall pay a fee of \$1.00 to the judge of probate in each county in which the license is recorded. No person shall engage in the practice of chiropractic until the license is recorded by the judge of probate.

"§ 34-24-165.

"~~(a)~~ Every ~~certificate of qualification~~ license to practice chiropractic shall expire on September 30 of the year for which it is issued. Every person having a valid certificate license may on or before the first day of October renew the same for the ensuing year by the payment to the state board of chiropractic examiners of a fee of not less than \$25.00 nor more than \$100.00,

the exact amount to be fixed annually by resolution of the state board of chiropractic examiners, accompanied by satisfactory evidence that such person has completed during the preceding year a minimum of 15 18 hours of professional educational work approved by the state board of chiropractic examiners; provided, that the board may, for good and reasonable cause shown, waive the education requirement. The secretary-treasurer or the executive secretary of the board shall notify each licensee at least 20 days prior to October 1 of each year of the due date for renewal, and failure to pay such renewal fee and submit proof of completion of a minimum of 15 18 hours of professional educational work approved by the board during the preceding year, unless such education requirement is waived, shall operate as a forfeiture of the right of the licensee to practice his profession in this state; provided, that he may be reinstated by the board, in its discretion, upon payment of all fees due. All funds received by the board for annual certificate license renewal fees may be used by the board for education, promotion and welfare of the science of chiropractic. It shall be the duty of the board to notify the state licensing board for the healing arts, on or before the first day of January each year, of any person who has theretofore been certified by the board who fails to renew such certificate of qualification under this provision; and it shall be the duty of the licensing board to refuse to register such person and his license shall be automatically revoked.

“(b) Any licensee who is no longer in active practice may apply for retirement of his license by submitting an affidavit to that effect on a form supplied by the executive secretary. A licensee whose license is retired is excused from the professional education requirement specified in this article. The annual fee for maintenance of a retired license shall be one-half of the amount required by this article for an active license. A retired licensee shall not be required to pay back fees and reinstatement fees required by this article. The board may require the retired licensee to enroll in and successfully complete a refresher course approved by the board at an accredited chiropractic college. The board's decision as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.”

“(c) The state board of chiropractic examiners shall make such rules and regulations as necessary and proper for effectuating or enforcing this article.”

“§ 34-24-166.

~~The state board of chiropractic examiners may refuse to grant or may revoke a certificate of qualification to practice chiropractic, or may cause a licensee's name to be removed from the records in the office of the judge of probate in any county upon any of the following grounds: the employment of fraud or deception in applying for a certificate of qualification or in passing any examination provided for in this article, habitual intemperance in the use of ardent spirits or narcotics, inability or manifest incompetency or flagrant immorality, conviction of a crime involving moral turpitude or any violation of a state or federal law relating to narcotic drugs or performing or attempting to perform a criminal abortion or any other immoral or unprofessional conduct. The board shall have the power and it shall be its duty to suspend for a specified time, to be determined in the discretion of the board, or revoke any license to practice chiropractic whenever the licensee shall be found guilty of any of the following acts or offenses:~~

~~(1) Fraud in procuring a license;~~

- (2) ~~Immoral, unprofessional or dishonorable conduct;~~
- (3) ~~Habitual intoxication or addiction to the use of drugs;~~
- (4) ~~Conviction of a felony;~~
- (5) ~~Use of untruthful or improbable statements or flamboyant or extravagant claims concerning such licensee's professional excellence or abilities;~~
- (6) ~~Distribution of intoxicating liquors or drugs for any other than lawful purposes;~~
- (7) ~~Willful or repeated violations of any of the provisions of this article;~~
- (8) ~~Conviction for any violation of federal or state narcotic or barbiturate law;~~
- (9) ~~Unlawful invasion of the field of practice of any profession where license is required by this article when the licensee is not licensed to practice such profession;~~
- (10) ~~Solicitation of professional patronage by any means whatsoever, provided, that nothing herein shall be construed to prohibit a practitioner from inserting in a newspaper or other publication of general distribution an announcement or notice of his entering into practice at a specific location, his change of address or his formation of a new partnership or other business association, such notice or announcement shall be conservative in nature and shall state only the name of the practitioner, his address or new address, the name of his associates or partners, his former associates or partners and his specialties, provided further, that nothing herein shall be construed to prohibit the use by practitioners of professional business cards stating the practitioner's name, professional partners or associates, telephone number and specialties;~~
- (11) ~~Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.~~
- (12) ~~Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient;~~
- (13) ~~Performing, procuring or aiding and abetting in the performance of a criminal abortion;~~
- (14) ~~Willful betrayal of a professional secret;~~
- (15) ~~Making use of any advertising statements of a character tending to deceive or mislead the public;~~
- (16) ~~Advertising prices for professional services;~~
- (17) ~~Advertising by the use of handbills, posters, circulars, cards, neon or other electric signs, radio, television, newspapers or any kind of written publication, provided, that notwithstanding contrary provisions in laws pertaining to any particular branch of the healing arts licensees hereunder may be permitted to insert their names, specialties, if any, addresses and announcements of clinics, together with the names of staff members of such clinic, in the official publication of the licensees' profession, but this shall not authorize any such insertions in publications intended for distribution or actually distributed to the general public. Such insertions herein authorized shall not in any way be reproduced for or distributed to the general public. Nothing herein shall be construed to prohibit institutional advertising or~~

~~institutional public relations by any state, county or district association composed of members of the healing arts of any branch thereof. The term "institutional advertising" or "institutional public relations" is intended to mean advertising or public relations promoting the healing arts or any branch thereof in general, but may not include the names of individual practitioners or any personal identification of said practitioners by photograph, telephone number, address, name or otherwise. Nothing herein shall be construed to prohibit a practitioner from allowing or causing his name, address and telephone number to be inserted in the classified section of a telephone directory under a classification denoting said practitioner's branch of the healing arts and also his speciality or specialties within said branch, but practitioners shall not cause or allow said listings so inserted to appear in large or boldface type more prominent than ordinary listings;~~

~~(18) Advertising any free professional services or free examinations;~~

~~(19) Offering discounts or inducements to prospective patients by means of coupons or otherwise to perform professional services during any period of time for a lesser or more attractive price;~~

~~(20) Advertising to guarantee any professional service or to perform any operation painlessly;~~

~~(21) Advertising any price or prices of corrective devices or services, or~~

~~(22) Continuing to practice after suspension or revocation of certificate of qualification by the appropriate examining board.~~

~~(23) The board may also suspend or revoke the license of a licensee found to be mentally incompetent to a degree and of a character which renders the licensee unsafe or unreliable as a practitioner.~~

"(a) The state board of chiropractic examiners may refuse to grant a license to any applicant who is not of good moral character and reputation or has a history of narcotic addiction or has previously been convicted of a felony or any crime or moral turpitude or has previously been diagnosed as having a psychopathic disorder.

"(b) The state board of chiropractic examiners may fine any licensee and-or revoke or suspend any license to practice chiropractic whenever the licensee shall be found guilty of any of the following:

(1) Fraud in procuring a license, or any fraud in obtaining money or other thing of value;

(2) Immoral, unprofessional or dishonorable conduct;

(3) Habitual intoxication or addiction to the use of drugs;

(4) Conviction of a felony or any crime of moral turpitude;

(5) Illegal distribution of intoxicating liquors or drugs;

(6) Conviction for violation of any narcotic or controlled substance statute;

(7) Unlawful invasion of the field of practice of any other health practitioner when the licensee is not licensed to practice such profession;

(8) Receipt of fees on the assurance that a manifestly incurable disease can be cured;

(9) Division of fees or agreeing to split or divide fees received for professional services with any person for bringing or referring a patient;

(10) Performing, procuring or aiding in the performance of a criminal abortion;

(11) Willful betrayal of a professional confidentiality;

(12) Continuing to practice after suspension or revocation of license;

(13) Exploitation of patients by overutilization of chiropractic services;

(14) Engaging in the incompetent practice of chiropractic;

(15) Aiding the unauthorized practice of chiropractic;

(16) Advertising in any manner which violates the rules and regulations established by the board;

(17) Willful or repeated violations of any of the provisions of this article;

"(c) The board of chiropractic examiners shall establish rules and regulations which shall govern the practice of chiropractic and shall detail prohibited acts stated in this article. The board shall have the power and it shall be its duty as a consumer protection agency to fine any licensee and-or suspend for a specific time or revoke any license to practice chiropractic upon a determination of guilt on any of the above enumerated grounds.

"(d) The Board may in an emergency situation, when danger to the public health, safety and welfare requires, suspend any license without a hearing or with an abbreviated hearing in accordance with the following sections of this article.

"(e) Any person who engages in the unlawful practice of chiropractic, or who violates any provision of the Act, shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished as provided by law.

"§ 34-24-167.

"Upon the presentation to the state board of chiropractic examiners of any of the grounds enumerated in Section 34-24-166 for revoking or refusing a certificate of qualification, it shall be the duty of the board to cause written notice of the time and place of hearing upon the charge preferred, together with a copy of the charge, to be served upon the person certified or the applicant for a certificate of qualification, as the case may be, 20 days before such hearing. The board shall prepare two copies of such written notice and attach to each a copy of the charges preferred and shall cause the same to be delivered to the sheriff of the county of the residence of the party against whom the charge has been preferred, together with \$2.00 as a fee for service. Such sheriff shall, within 10 days thereafter, deliver to such party personally, or leave at the most notorious place of abode of such party, one of the notices, with the copy of the charges attached, and return the other notice, with a copy of the charge attached thereto, to the board, together with such officer's entry of service thereon.

"(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail, return receipt requested. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

“(b) The notice shall include:

(1) A statement of the time, place and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved; and

(4) A short and plain statement of the matters asserted. If the state board of chiropractic examiners is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(5) The summons and complaint shall be mailed at least 35 days prior to the scheduled date of the hearing. The board may specify in its rules and regulations the period for reasonable notice in the event service is refused or returned.

“(c) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

“(d) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.

“(e) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing. The attorney for the state board of chiropractic examiners shall have the authority to make any settlement offer to any respondent in a disciplinary proceeding. Such offer shall not be binding upon the state board of chiropractic examiners.

“(f) The record in a contested case shall include:

(1) All pleadings, motions, and intermediate rulings;

(2) All evidence received or considered and all other submissions;

(3) A statement of all matters officially noticed;

(4) All questions and offers of proof, objections and rulings thereon;

(5) All proposed findings and exceptions;

(6) Any decision, opinion or report by the hearing officer at the hearing; and

(7) All staff memoranda or data submitted to the hearing officer or members of the board in connection with their consideration of the case.

“(g) Oral proceedings shall be open to the public. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the board for at least five years from the date of the decision and shall be made available for

inspection by the public, except in those cases where the proceedings shall be ordered sealed by order of the court.

"§ 34-24-168.

"The accused party shall have the privilege of making defense at the hearing, either in person or by attorney, and, on application to the board, he shall be furnished by the board with a subpoena for any witness in his behalf or for the production of any book, writing, paper or document to be used in his behalf at the hearing. The board shall the power to issue subpoenas and to compel the attendance of any witness or the production of any book, writing or other documents in the possession, custody or control of any person. Any person refusing to produce any book, writing or other document or to appear to testify, without legal excuse, at such hearing of the board, after having been served with a subpoena issued by the board requiring such person to appear, produce any book, writing or other document or testify at such hearing, shall be guilty of contempt, and, upon certification of such act by the board to the judge of the circuit court in whose jurisdiction the hearing is held or is to be held, the judge shall punish the same as though committed before him.

"(a) The board shall specify in its rules and regulations specific guidelines to govern all hearings.

"(b) In the event of a settlement of a contested case by means of a written guilty plea and waiver of hearing, the attorney for the board shall submit the complaint, plea and waiver with a recommendation as to final decision. The recommendation shall not be binding upon the board in making its final decision.

"§ 34-24-170.

The person whose certificate of qualification is revoked or refused shall be liable for costs as follows: preparing copy of notice, \$2.00, procuring service of said notice, \$2.00, each subpoena for a witness or the production of any book, writing or document, \$.15, transmitting appeal, \$2.00 and procuring cancellation of revoked license, \$.25. The board is empowered to enter up judgment for such costs as may accrue under the provisions of this article against the person liable therefor, as herein provided, in favor of the board and to issue execution thereon, which shall bear teste in the name of the president of the board and be signed by the secretary treasurer of the board.

"The board shall specify in its rules and regulations a schedule of costs and/or fines to be imposed upon any person who has been found guilty of a violation of Sections 34-24-166 or 34-24-161(e), each not to exceed \$1,000 per violation.

"§ 34-24-172.

"The state board of chiropractic examiners may at any time within two years of the refusal or revocation or cancellation of a certificate of qualification under this article, by a majority vote, issue a new certificate or grant a certificate to the person affected, restoring him to, or conferring upon him, all the rights and privileges of and pertaining to the practice of chiropractic as defined and regulated by this article, upon the applicant's showing good moral character and possession of the qualifications required under the terms of this article. Any person to whom such certificate may have been restored

~~shall pay to the board the sum of \$25.00 upon the issuance of a new certificate.~~

"The state board of chiropractic examiners may at any time after two years of the refusal or revocation or cancellation of a license under this article, by a majority vote, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him, all the rights and privileges of and pertaining to the practice of chiropractic as defined and regulated by this article, upon the applicant's showing good moral character and possession of the qualifications required under the terms of this article and as may be specified in the rules and regulations adopted by the board. Any person to whom such license may have been restored shall pay to the board the sum of \$25.00 upon the issuance of a new license.

"Section 2. Rules of evidence in contested cases.

"In contested cases:

"(a) The rules of evidence as applied in nonjury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible or proof under those rules, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The board shall give effect to the rules of privilege recognized by law. Except as hereinafter provided, objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross-examination of the witness. The testimony of the parties and witnesses shall be made under oath.

"(b) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the board. Upon request, parties shall be given an opportunity to compare the copy with the original.

"(c) A party may conduct cross-examination required for a full and true disclosure of the facts, except as otherwise limited by law.

"(d) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the board.

"(e) The experience, technical competence, and specialized knowledge of the board may be utilized in the evaluation of the evidence.

"(f) The board's interpretation of its own rules and regulations in contested cases shall be final and conclusive and shall not be set aside upon judicial review.

"(g) The board shall have the power to issue subpoenas and to compel the attendance of any witness or the production of any book, writing or other document in the possession, custody or control of any person. Any

person refusing to produce any book, writing or other document or to appear to testify, without legal excuse, at such hearing of the board, after having been served with a subpoena issued by the board, shall be guilty of contempt; and upon certification of such act by the board to the judge of the circuit court of whose jurisdiction the hearing is held or is to be held, the judge shall punish the same as though committed before him.

"Section 3. Form and content of final order.

"(a) The final order in proceeding shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within 45 days:

- (1) After the hearing is concluded, if conducted by the board;
- (2) After the board accepts any proposed findings of fact and conclusions of law or proposed final order from any party in a disciplinary hearing;
- (3) After a recommended order, or findings and conclusion are submitted to the board and mailed to all parties, if the hearing is conducted by a hearing officer; or
- (4) The 45 day period may be waived or extended with the consent of all parties.

"(b) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a statement of the underlying facts of record which support the findings.

"(c) If the board finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date rendered.

"(d) Parties shall be notified either personally or by certified mail return receipt requested of any order and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

"Section 4. Appeal from final decision, judicial review.

"(a) Any party whose license is revoked, refused or suspended by the board shall not be required to file a motion for rehearing to exhaust his remedies available from the board.

"(b) Any party whose license is revoked, refused or suspended by the board, may file a petition for judicial review in the circuit court of Montgomery County. The filing of the petition must be within 30 days of the date of the board's final decision.

"(c) Within 30 days after receipt of the petition for judicial review or within such additional time as the court may allow, the board shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. Any party seeking judicial review of the board's revocation, refusal or suspension of his license shall be responsible for all costs associated with preparation, transcription, reproduction and transmittal of the proceedings under review.

"(d) Other than specified in this statute, any judicial review of the board's final decision shall be conducted in accordance with the provision for review of final agency decisions of contested cases in sections 41-22-20 and 41-22-21.

"Section 5. Reinstatement of license.

"In any event any licensee allows his license to lapse and desires to return to active practice, he must apply to the board for a reinstatement of his license and must submit to the board a reinstatement fee of \$25.00 together with all back fees. The applicant must satisfy the board that he is of good moral character and otherwise possesses all qualifications required by law of licensees. Additionally, the Board may require the licensee to enroll in and pass a refresher course approved by the board at an accredited chiropractic college. The board's decision as to whether a course of study will be required and whether a particular course will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

"Section 6. Repealer. Code of Alabama 1975, §§ 34-24-162, 34-24-169 and 34-24-171 are repealed insofar as conduct occurring after the effective date of this act is concerned. In addition, any and all other laws or parts of laws that conflict with this act are hereby repealed insofar as conduct occurring after the effective date of this act is concerned.

"Section 7. Relation to Consistent Laws. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

"Section 8. Applicability. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

"Section 9. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute to the substitute and the amendments was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Lindsey, Marks, Mathis, McDowell, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Walker, Warren, White (F), White (L), Willis and Zoghby.

—61

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 315 as amended:

Amend H. B. 315 as substituted and amended, on page 2 in the title on line 27, by adding the following sentence:

§34-24-121 is amended to provide further for the advertising by chiropractors.

Amend H. B. 315 as substituted and amended, on page 4, Section 2, line 11, by striking after the deleted word "arts," the following:

The state board of chiropractic examiners shall have the right to regulate advertising by chiropractors within the limits prescribed by this article and the rules and regulations governing the practice of chiropractic in this state.

and inserting in lieu thereof, the following:

The state board of chiropractic examiners shall have the right to regulate the advertising of chiropractic services by chiropractors within the limits prescribed by this article and the rules and regulations governing the practice of chiropractic in this state.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Coburn, Crow, Curry, Davis, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Moon, Newman, Newton (C), Parker, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Turner, Walker, White (F), White (L), Willis and Zoghby.

—61

And the bill:

H. 315. To amend Code of Alabama 1975 §§34-24-120, 34-24-121, 34-24-122 and 34-24-123 relating to the practice of chiropractic; to amend Code of Alabama 1975, §§34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144 and 34-24-145 relating to the Alabama State Board of Chiropractic Examiners; to amend Code of Alabama 1975, §§34-24-160, 34-24-161, 34-24-163, 34-24-164 and 34-24-165 relating to licensure of chiropractors; to amend Code of Alabama 1975, §§34-24-166, 34-24-167, 34-24-168 and 34-24-170 relating to refusal, revocation or suspension of licenses, notice and conduct of hearings in contested cases, costs; to amend Code of Alabama 1975, §34-24-172 relating to issuance of licenses after revocation or refusal; to prescribe rules of evidence in contested cases; to prescribe form and content of final orders in contested cases; to prescribe procedure for appeal from final decision in a contested case, and judicial review; to provide for reinstatement of lapsed license to practice chiropractic; and to repeal Code of Alabama 1975, §§34-24-162, 34-24-169 and 34-24-171. §34-24-121 is amended to provide further for the advertising by chiropractors.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (W),

Coburn, Crow, Curry, Davis, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Walker, White (F), White (L), Willis and Zoghby.

—73

H. 256 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H 256, from the Standing Committee on Judiciary to the Standing Committee on Constitution and Elections.

H. 297 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 297, from the Standing Committee on Judiciary to the Standing Committee on Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 480. To validate, ratify and confirm the action of any county governing body in authorizing, adopting, levying, assessing, collecting and enforcing any excise, privilege or license tax levied, assessed, collected and enforced on the effective date hereof.

McDOWELL LEE,
Secretary.

H. 314 TAKEN UP

And the bill:

H. 314. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-63, 34-29-69, 34-29-71, 34-29-75, 34-29-77 and 34-29-94, Code of Alabama 1975, so as to add a veterinary technician member to the board and to restrict terms to two consecutive terms of four years; to authorize administrative fines by the board (\$250.00-\$1,000.00) and the institution of legal proceedings by the board; to eliminate temporary licensing after an 18-month period; to eliminate a one-time renewal fee on licenses; to exempt "veterinary interns"; and to allow reinstatement of active licenses for veterinarian technicians upon satisfactory proof of continuing education while on inactive status.

Which previously was temporarily carried over, was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 314;

Amend H. B. 314, Page 2, Section 3, by striking subsection (c) in its entirety and renumbering subsequent subsections.

MOTION TO TABLE LOST

The motion offered by Rep. Curry to table the amendment offered by Rep. Holley to the bill, H. 314, was lost.

Yeas 20; Nays 32.

Yeas:

Reps. Beasley, Brooks, Bryant, Buskey (JL), Curry, Dillard, Gaston, Gray, Hooper, Knight, Kvalheim, Lindsey, Marks, McKee, Parker, Petelos, Sanderford, Turner, Wright and Zoghby.

—20

Nays:

Mr. Speaker, Carothers, Frazier, Goodwin, Grouby, Hamilton, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Laird, Logan, Mathis, McClain, McDowell, Melton, Moon, Newman, Payne, Poole, Rains, Richardson, Rogers, Starkey, Venable, Walker, Warren, White (F), White (L) and Willis.

—32

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holley to the bill, H. 314, and the amendment was adopted.

Yeas 45; Nays 15.

Yeas:

Mr. Speaker, Brooks, Bryant, Burke, Carothers, Crow, Davis, Dillard, Escott, Frazier, Goodwin, Gray, Grouby, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Payne, Poole, Rains, Richardson, Rogers, Starkey, Venable, Warren, White (F), White (L) and Willis.

—45

Nays:

Reps. Buskey (JL), Curry, Gaston, Hooper, Knight, Kvalheim, McKee, McMillan, Mikell, Parker, Penry, Petelos, Sanderford, Walker and Wright.

—15

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 314 as amended:

On page 17, line 3, add a new Section 4 and renumber subsequent sections accordingly:

“Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Frazier, Gaston, Goodwin, Grouby, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Poole, Rains, Richardson, Sanderford, Starkey, Turner, Venable, Walker, Warren, White (L), Willis and Zoghby.

—62

And the bill, H. 314 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Box, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Crow, Curry, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Turner, Venable, Warren, White (F), White (L), Willis and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 316, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Turner, Venable, Walker, Warren, White (F), White (L), Willis and Zoghby.

—64

And the bill:

H. 316. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department with certain modifications; to repeal Section 27-7-25 so as to delete the requirement for temporary licensing of out-of-state applicants; to amend Sections 27-7-5, 27-7-7, 27-8-21, 27-7-23, 27-7-24, and 27-8-7, Code of Alabama 1975, so as to delete residency requirements for licensees of the department; to provide

further for testing fees of the department; to allow the department to contract with testing services; and to restrict certain temporary licenses and to eliminate various other temporary licenses issued by the department after 36 months following passage of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the Sunset Committee entered upon its duties and recommends the continuance of the Insurance Department.

Section 2. The existence and functioning of the Insurance Department, created and functioning pursuant to Section 27-2-1 and Title 27, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 hereof.

Section 4. The provisions of the act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the substitute reported by the Standing Committee on Insurance:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department with certain modifications; to repeal Section 27-7-25 so as to delete the requirement for temporary licensing of out-of-state applicants; to amend Sections 27-7-5, 27-7-7 and 27-8-7, Code of Alabama 1975, so as to delete residency requirements for licensees of the department; to provide further for testing fees of the department; and to allow the department to contract with testing services.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance

of the Insurance Department, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Insurance Department, created and functioning pursuant to Section 27-2-1 and Title 27, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Section 27-7-25, Code of Alabama 1975, is hereby repealed, and Sections 27-7-5, 27-7-7 and 27-8-7, Code of Alabama 1975, are hereby amended to read as follows:

“§27-7-5.

“For the protection of the people of this state, the commissioner shall not issue, continue or permit to exist any agent, broker, solicitor, managing general agent or service representative license for and on behalf of any natural person except in compliance with this chapter, or as to any individual not qualified therefor as follows:

“(1) Must be 19 years or more of age, or be an individual whose disabilities of minority have been removed; except, that a managing general agent license may also be issued to a firm or corporation;

“(2) Must be a citizen of the United States of America;

“(3) Must be domiciled in and ~~have been be~~ a bona fide resident of this state ~~for not less than six months preceding the date of application for the license~~; except that this provision does not apply as to managing general agents or service representatives. The resident and domiciliary requirement may be waived upon determination by the commissioner that such waiver would be in the public interest and would prevent a hardship, if the applicant for a license:

“a. Is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns or villages not completely separated by a natural boundary;

“b. Designates in writing the commissioner of insurance as his agent or attorney for acceptance of personal service of process in all actions involving matters connected with or arising out of his insurance business conducted in Alabama;

“c. Agrees to keep like records, make similar reports and permit inspection of his records to the same extent as other licensees under this section; and

“d. If the adjoining state by law or administrative action accords residents of Alabama a like waiver, benefit or privilege;

“(4) Must be of good moral character and not have been convicted of a felony nor of any crime involving moral turpitude;

“(5) Must intend to and, commencing immediately after issuance of such a license, shall, during the existence of the license, actively engage as to the general public in the business permitted under this license;

“(6) If to be licensed as a broker, must have had experience either as an agent, solicitor, adjustor, managing general agent, broker or as an employee or special representative of an insurer, or insurers, or special education or

training of sufficient duration and extent reasonably necessary for competence in fulfilling the responsibilities of a broker;

"(7) Must not use, or intend to use, the license principally for the purpose of procuring insurance of his own risks or interests, or those of his relatives to the second degree or of his firm, corporation or employer;

"(8) Must attend a pre-qualification course consisting of 40 classroom hours or equivalent individual instruction on the general principles of insurance, such course to be taught only by those educational institutions, junior or senior colleges, technical colleges, trade schools, insurance companies or insurance trade organizations which hold written authority from the commissioner to issue certificates of completion;

"a. Each such authority holder must apply annually for the continued authority to issue certificates under rules and regulations to be prescribed by the commissioner;

"b. Prior to writing the designated examination for license, the applicant must furnish a certificate of completion of the aforesaid pre-qualification course from the authorized educational institution, insurance company or insurance trade organization;

"c. All applicants under this chapter who are holders of the professional designation Chartered Property Casualty Underwriter (CPCU) or Certified Insurance Counselor (CIC) or such other professional insurance designations as the commissioner may prescribe by regulation shall be deemed to have completed the pre-qualification course as prescribed in this subdivision;

"d. All applicants for license to transact only the following kinds of insurance shall be exempt from the requirements of this subdivision:

"1. automobile physical damage insurance,

"2. industrial fire (commonly known as debit fire) insurance, or

"3. physical damage coverage on household goods;

"e. An applicant who has been licensed under a like license in another state within 12 months prior to his application for a license in this state, and who files with the commissioner the certificate of the public official having supervision of insurance in such other state as to the applicant's license and good standing in such state shall be exempt from the requirements of subdivision (8). A facsimile signature and seal of the certifying public official will be deemed sufficient.

"f. All agents, brokers, solicitors, managing general agents and service representatives who are lawfully licensed as such immediately prior to the effective date of the 1979 amendment, are exempt from the requirements of this section unless, after such effective date, any such license is permitted to expire or is otherwise terminated and remains out of effect for a period of 24 consecutive months, the exemption from a pre-qualification course shall no longer be applicable.

"(9) Must pass any written examination for the license required under this chapter.

"§27-7-7.

"(a) The commissioner shall not issue any license except upon application therefor as in this chapter provided. Each applicant for a license shall

file annually with the commissioner his written application therefor signed by him and showing:

“(1) His name, age date of birth and place of residence;

“(2) The kinds of insurance to be transacted under the license and the insurer or insurers he proposes so to represent;

“(3) The person, firm or corporation by whom he expects to be employed or associated with as such licensee and his status as an officer or representative thereof;

“(4) Whether he proposes to write or solicit insurance of his own risks and interests, or those of his relatives, any firm or corporation in which he is financially interested or connected, directly or indirectly, or of his employer;

“(5) A short business history of the applicant and the name and nature of any business enterprise with which he may be associated;

“(6) The extent of his formal education and business experience or apprenticeship;

“(7) Whether he has ever applied previously for a license or been licensed to transact any kind of insurance business in this state or elsewhere and whether any such license was ever refused, suspended or revoked;

“(8) Whether any insurer or managing general agent claims that he is in default as to premiums or other moneys collected and not accounted for and, if so, the details thereof and like information as to any member of his family who is then, or has theretofore been, engaged in the insurance business; and

“(9) Any additional information reasonably required by the commissioner.

“Additional licenses shall require the applicant's full name, residence, age, place of business and certification whether he has had a license to solicit insurance contracts refused, suspended, or revoked since his last annual license; whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation; and whether the applicant has been convicted of a felony since his last annual license.

“(b) If the applicant for an agent's or broker's license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself as part of the application, as though for an individual license, and shall otherwise meet the requirements for an individual license.

“(c) Partnerships and corporations shall file their organizational documents with the commissioner, accompanied by an initial filing fee of \$50.00. The license shall continue in effect, subject to an annual fee of \$50.00, unless cancelled, suspended or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of \$10.00.

“(d) At the time of filing his original application for license, the applicant shall pay to the commissioner the application fee and the fees for any

examinations required under section 27-7-10 as specified in section 27-4-2. Such fees shall not be returnable. Appointment fees, as required in section 27-4-2, shall be paid as to each individual included in the application for a partnership or corporation license.

“(e) If the commissioner has contracted with a qualified testing institution as provided for in section 27-7-11 (c), fees approved for such services by the commissioner may, at the commissioner's discretion, be paid directly to such testing institution and such fee shall be in lieu of ~~but not in excess of~~ the fees for the examination required under section 27-7-10 as specified in section 27-4-2.

“§27-8-7.

“(a) The commission shall establish rules and regulations with respect to:

“(1) The classification of applicants according to the type of insurance to be effected by them;

“(2) The scope, type and conduct of written examinations; and

“(3) The times and places within the state for the holding of such examinations. An applicant shall be permitted to take an examination once in each two weeks in the principal office of the commissioner, and an examination shall be held at least as often as once in each three months in each congressional district.

“(b) Such rules and regulations shall classify applicant for purposes of this section as follows:

“(1) Those desiring to write life insurance:

“(2) Those desiring to write disability insurance:

“(3) Those desiring to write any combination of the above classifications; and

“(4) Such other classifications as, in the opinion of the commissioner, are necessary or appropriate.

“(c) Examination shall be prepared and given in those subjects only which pertain to the classification, or classifications, which apply to the applicant, and no applicant shall be required to take an examination on a subject, or subjects, pertaining to any other classification. Prior to the examination, the commissioner shall value each question to be asked therein, and the sum of such values shall total 100. Each of the answers given shall correspondingly be valued proportionately to its correctness, and the sum of such values totaling 70 shall constitute a passing grade. An applicant shall have the right to be examined as to all of such classifications in the same examination and shall be required to pay but one examination application filing fee therefor.

“(d) The commissioner ~~shall not may~~ contract with any qualified educational testing institutions for preparation, analysis ~~or~~ and grading of the written portions of the examination. Fees approved for such services by the commission may, at the commissioner's discretion, be paid directly to such testing institution and such fees shall be in lieu of the fees for the examination required under Section 27-8-6 as specified in Section 27-4-2.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed and Section 27-7-25, Code of Alabama 1975, is hereby specifically repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. White (L), the substitute offered by Rep. Buskey (JL) to the substitute reported by the Standing Committee on Insurance, was tabled.

Yeas 53; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Brooks, Burke, Butler, Carothers, Carter, Crow, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Moon, Payne, Penry, Poole, Richardson, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—53

Nays:

Reps. Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Curry, Davis, Kennedy, Knight, McClain, McDowell, Mikell, Rains, Rogers and Sanderford.

—15

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 168. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

Also:

H. J. R. 170. COMMENDING THE WASHINGTON COUNTY UNITED WAY HUMANITARIAN AWARD RECIPIENT, PAUL PETCHER OF CHATOM, ALABAMA.

Also:

H. J. R. 171. COMMENDING BETTY R. PURVIS OF MILLRY, ALABAMA, WASHINGTON COUNTY UNITED WAY'S 1988 VOLUNTEER OF THE YEAR.

Also:

H. J. R. 177. NAMING THE COSMETOLOGY BUILDING AT SHELTON STATE COMMUNITY COLLEGE IN HONOR OF LEO SUMNER.

Also:

H. J. R. 180. CONGRATULATING EILEEN LAZZARI, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 181. CONGRATULATING SIR MICHAEL FORD, FAIRHOPE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 182. CONGRATULATING MARY ANN HALLIDAY, BAY MINETTE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 183. CONGRATULATING MARGARET MELCHER, GULF SHORES, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 184. CONGRATULATING HELEN CALLOWAY, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 185. CONGRATULATING JANICE NETH, ROBERTSDALE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 186. CONGRATULATING MARY GUARISCO, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 187. CONGRATULATING MARGARET PETERSON, ELBERTA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 188. CONGRATULATING AILEEN WOODS, DAPHNE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 189. CONGRATULATING SIR C. JOSEPH HAMBURGER, DAPHNE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 190. COMMENDING THE ATHLETIC DEPARTMENT, COACHES AND TEAMS OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 191. COMMENDING DR. FREDERICK PALMER WHID-
DON OF MOBILE, ALABAMA, UPON HIS ELECTION AS MOBILIAN
OF THE YEAR, 1989.

Also:

H. J. R. 192. COMMENDING E. ADOLPH SOUTH OF TUSCA-
LOOSA, ALABAMA, FRATERNAL ORDER OF POLICE OUTSTANDING
LAW ENFORCEMENT OFFICER OF THE YEAR.

Also:

H. J. R. 193. MOURNING THE DEATH OF JAMES J. JOHNSON
OF MOBILE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 480. To validate, ratify and confirm the action of any county governing body in authorizing, adopting, levying, assessing, collecting and enforcing any excise, privilege or license tax levied, assessed, collected and enforced on the effective date hereof.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 316 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, and the substitute was adopted.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Venable, Walker, Warren, White (F), White (L), Willis, Wright and Zoghby.

—64

Nay: Rep. Buskey (JL).

—1

And the bill:

H. 316. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 317, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Carothers, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Petelos, Poole, Rains, Richardson, Sanderford,

Starkey, Thomas, Turner, Venable, White (F), White (L), Williams, Willis, Wright and Zoghby.

—59

And the bill:

H. 317. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to repeal Section 39-20-3, Code of Alabama 1975, so as to remove reference to the healing arts board (now repealed); to amend Sections 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, Code of Alabama 1975, so as to increase the examination fee; to provide for an original licensure fee and to increase the fee for a temporary emergency permit; to increase the regular licensure fee; to increase the renewal license fee and to provide further for lapses in active licenses and to remove the requirement to publish lists of licensees by the board, except on request for a fee, to provide for a continuing legal education program by October 1, 1991; and to provide for administrative fines and the institution of legal proceedings by the board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 317 on page 6, Section 3, line 25, by striking the word ~~fees~~ and inserting in lieu thereof the word fines

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Carothers, Curry, Davis, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

—62

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 317 as amended:

To amend H. B. 317 as follows:

On page 8, line 12, add a new Section 4 and renumber subsequent sections accordingly:

“Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Venable, Williams, Willis and Zoghby.

—63

And the bill, H. 317 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), Williams, Willis and Zoghby.

—80

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 318, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), Williams, Willis, Wright and Zoghby.

—71

And the bill:

H. 318. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-215,

and 34-24-216, Code of Alabama 1975, to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to phase out temporary licenses over a 36-month period; to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 318 on page 5, Section 3, line 5 by adding subsection (c) to read as follows:

(c) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed one thousand dollars (\$1,000) per violation, and it is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 318 as amended:

To amend H. B. 318 as follows:

On page 6, line 16, add a new Section 4 and renumber subsequent sections accordingly:

“Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Crow, Curry, Davis,

Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Williams, Willis, Wright and Zoghby.

—75

And the bill, H. 318 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JL), Butler, Carothers, Crow, Dillard, Frazier, Gaston, Goodwin, Grouby, Hamilton, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, Mikell, Newton (C), Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On Motion of Rep. Knight Budget Isolation Resolution relating to H. B. 319, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Brooks, Bugg, Burke, Buskey (JL), Butler, Carothers, Crow, Curry, Dillard, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Parker, Petelos, Poole, Sanderford, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

—55

And the bill:

H. 319. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide reciprocity for licensees from out-of-state who pass the examination; to provide further for certification of continuing education

requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U. S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide further for reciprocity for licensees from out-of-state; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 to be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of the Board of Optometry, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Optometry, created and functioning pursuant to Sections 34-22-1 through 34-22-65, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-22-8.

“Any person (but not the Board or members thereof) may initiate a charge of violation of the provisions of this chapter or other misconduct by a licensed optometrist by filing with the secretary of the board a written statement under oath of a charge or charges against the accused. A discrete

preliminary investigation into such charge or charges shall be made by the board, after which, if the board is reasonably satisfied that such charge or charges are not frivolous, the board shall hear and determine said charge or charges under rules of procedure to be established by the board. A quorum of the board must be present at all time during the hearing and deliberation and action thereon. A time and place (either within the city of Montgomery, Alabama or the county in which the accused resides) for the hearing of said charge or charges shall be fixed by the board as soon as convenient, and a copy of said charge or charges, together with a written notice of the time and place when the same will be heard and determined and a copy of the rules of procedure adopted by the board for such hearing shall be served at least 20 days before the date fixed for said hearing upon the accused licensee, by leaving a copy thereof at his last and usual place of residence, by personal service upon the accused licensee or by forwarding the same to the accused or licensee via United States registered mail, with a return receipt requested, addressed to him at his last known mailing address, if a resident of the state of Alabama. If the accused licensee shall not be a resident of Alabama or shall have departed from the state of Alabama, then notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county where said licensee shall have been last known to reside one time, three weeks prior to said hearing, setting out the time and place of such hearing. At least five days before the time of the hearing, the accused shall file with the secretary of the board his answer to the written charges theretofore served upon him together with a list of witnesses which the accused desires to be subpoenaed for the hearing. At such hearing, witnesses may be examined respecting said charge or charges. The board or the accused or both shall have the power to require the attendance of witnesses, the production of books, records and papers pertinent to the issues; and, for that purpose, either or both may require the secretary of the board to issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, papers or documents, directed to the sheriff of the county where such witness resides or is to be found, which shall be served and returned in the same manner as subpoenas in civil cases in the circuit court are served and returned. If any person is subpoenaed to appear before said board and fails to obey said subpoena without reasonable cause, or if any witness upon any hearing before the board shall refuse to be sworn or to be examined or to produce a book, record, paper or document, as ordered by the board, such fact shall be certified by the board to the circuit court or the judge thereof in the county where such witness resides, and he shall be ordered and directed by such court to appear before said board and testify or produce such books, papers, records or documents as are ordered by the board. At said hearing, the accused shall have the right to cross-examine the witnesses against him, to produce witnesses in his defense to appear personally and/or by counsel: and to have the testimony taken down by a stenographer, but the expense of counsel and stenographer shall be borne by the accused licensee. A majority of the quorum of members of the Board conducting the hearings shall render a decision on the merits of the charge or charges and, if warranted by the evidence, impose appropriate sanctions. If a majority of the quorum of members of the board conducting the hearing shall find that the charges are untrue or frivolous, or that there is not probable cause that such charges or any of them will be sustained in legal proceedings hereinafter provided for, then the board shall enter an order dismissing such charges. If however, a majority of the quorum of members of the board conducting the hearing shall find that there is probable cause that said charges, or any of them, will be sustained, and that sanctions should be imposed, the board may thereupon, by majority vote of those

members present and voting, cause a complaint to be filed against the accused licensee in the circuit court of the county in which he resides or in which he last resided in the event he has ceased to be a resident of the state of Alabama. The complaint shall specify in detail the charge or charges found by the board to be sustained by the evidence at the hearing. The cause shall be docketed as all civil cases are docketed, and thereafter summons shall be issued and the cause proceed in all manners as is or shall be provided by the Alabama Rules of Civil Procedure. The style of the case shall be The Alabama Board of Optometry, Plaintiff vs. (name of licensee), Defendant. Any such case will be given a preferred status on the docket of the court in which it shall be pending and shall be tried as quickly as possible consistent with justice. The accused licensee may, if he desires to do so, demand and have a trial by jury. The board shall have the authority to employ attorneys to represent it in the proceedings. The only finding of the jury or of the judge, if the case is tried without a jury in such cases, shall be "guilty" or "not guilty," the same to be rendered separately as to each of the charges. If the finding of the jury (or the judge) shall be "not guilty" as to each of said charges, and the same shall be by the clerk of said court certified to said board, it shall thereupon make an order dismissing all charges against the accused. If the finding of the jury (or the judge) shall be "guilty" as to any charge or charges, the judge shall enter an order or judgement imposing sanctions against the accused licensee, which shall be either revocation of license, suspension of license for a definite period of time or public reprimand, in the discretion of the judge, and the order or judgment shall be certified by the clerk of the court to the board, whereupon the board will cause the same to be entered into the records of the board. Appeals from the judgment of the court may be taken within 60 days, as in other civil cases, to the supreme court, either by the board or by the defendant licensee. All orders of the court imposing sanctions shall be suspended pending any such appeal.

"In all cases of suspension or revocation of licenses or of other disciplinary sanctions imposed by the Board as herein provided for, the accused licensee may appeal only to the Circuit Court of Montgomery County, Alabama, notwithstanding any other provision of law to the contrary. Except as may otherwise be provided herein to the contrary, judicial review of the orders and decisions of the Board shall be governed by the provisions of section 41-22-20, Code of Alabama, 1975, (the Alabama Administrative Procedure Act).

"Members of the Alabama Board of Optometry, and the members of any committee of optometrists impaneled by the Board, and any other optometrist and individual making any report or rendering any opinion or supplying any evidence or information or offering any testimony to the Board in connection with a disciplinary investigation or proceeding as authorized in this chapter shall be immune from suit for any conduct with respect to such investigations, actions, hearings, and proceedings.

"§34-22-20.

"Every person desiring to commence the practice of optometry, except as otherwise provided, shall take a standard examination provided in this chapter and, except as otherwise provided, fulfill the other requirements as herein provided.

"Such applicant must be 19 years of age, or over, a citizen of the United States and of good moral character. Each applicant must have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof and a minimum of three years of preoptometry, or the

equivalent thereof, at an accredited college or university and must have completed a course of study in an accredited school or college of optometry which is approved by the board and requires at least four years of professional study and ~~must have completed any program of internship which may be established by rules and regulations of the board (if such program is established)~~ and must be able to pass the standard examination prescribed by the board. Such standard examination shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pharmacology, pathology, general anatomy and hygiene and such other knowledge as the board deems essential to the practice of optometry. Such standard examination shall not be out of keeping with the established teaching and recognized textbooks of accredited schools or colleges of optometry.

"The application must be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board, but said fee shall not be less than \$25.00 nor more than \$100.00.

"Such examination shall be held at least once in each year if there are any candidates for examination who have applied to the board for examination at least 30 days before the date affixed for the holding of such examination.

"When application and accompanying proof as are required herein are found satisfactory, the board shall notify the applicants to appear before it for examination at a time and place to be fixed by the board. Those found qualified by the board shall be granted a license and a license certificate, which shall bear a serial number, the full name of the licensee, the date of issuance and the seal of the board and shall be signed by the president and secretary of the board; provided, that the board may grant a temporary license under such circumstances and conditions as may be prescribed by rules and regulations of the board, in which event, the certificate of such temporary license may be in such form as is prescribed by such rules and regulations.

"Every license (whether permanent or temporary) so issued and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office wherein he practices.

"Those persons who hold valid licenses to practice optometry in the state of Alabama on October 10, 1975, shall continue to be so licensed after October 10, 1975, regardless of whether they are otherwise qualified to secure a license under the provisions of this chapter; provided, that they shall be subject to all other provisions of this chapter."

"§34-22-21.

"Any person who has successfully passed a standard examination in optometry in any state of the United States or all parts of the examination given by the national board of examiners in optometry and is the holder of a certificate to that effect, issued by the board of such state, or by said national board, and who has a current license to practice optometry in any state in the United States, and has conducted an ethical professional practice of optometry for at least one year ~~next prior~~ may, at the discretion of the board, ~~under rules and regulations prescribed by the board and upon application to the board, upon the payment of the amount of the regular examination fee, be issued a license and license certificate without examination and take the standard examination provided in this chapter, and upon passing~~

said examination be registered as qualified to practice optometry in this state; ~~provided, that the standard of qualifications and examination under which he secured such certificate to practice was at least as high as that prevailing in Alabama at the time of his making application to be so registered; and, provided further, that said applicant has not failed in an examination in optometry before the state board of optometry or the Alabama board of optometry and that the state from which such applicant comes grants like privileges to persons who have passed the examination of the board.~~

"§34-22-22.

"All registered optometrist now or hereafter licensed in the state of Alabama are and shall be required to take annual courses of study in subjects relating to the practice of the profession of optometry. The length of study shall be prescribed by the board but shall not exceed 25 clock hours in any calendar year. Attendance must be at a course or courses approved by the board. Attendance at any course or courses of study are to be certified to the board upon a form provided by the board and shall be submitted by each registered optometrist at the time he makes application to the board for the renewal of license and payment of his renewal fee.

"Continuing education requirements shall be completed between October 1 and September 30 of each fiscal year prior to the time for license renewal for the next fiscal year. Upon the failure of any licensee to certify compliance with continuing education requirements for said fiscal year on or before the first day of November, the Board shall notify such licensee by registered mail addressed to his last address of record that his certification has not been received and that unless such certification is received on or before the first day of January, his license and license certificate shall be automatically suspended. If the certification demonstrating compliance with continuing education requirements is not received by the Board on or before January 1, the licensee's license and license certificate previously granted shall automatically be suspended. Provided that between October 1 and December 31 of each year, the licensee shall be permitted to complete continuing education requirements which he has failed to complete prior to the end of the fiscal year on September 30.

"The said license and license certificate shall be reinstated only upon the provision of satisfactory evidence to the Board, in a form acceptable to the Board, that the continuing education requirements for the one fiscal year next preceding the proposed reinstatement have been satisfied and upon the payment of all fees required to be paid under this chapter.

"Every licensed optometrist who desires to continue the practice of optometry in the state shall annually, on or before the first day of October, pay to the secretary of the board a renewal fee of \$112.00, for which he shall receive a renewal of the registration. The licensee shall sign and verify the accuracy of his registration and certify his compliance with the continuing education requirements of the board for renewal on a form provided by the board; and, upon submission of the completed form prescribed by the board, together with the aforementioned fee, the licensee shall receive therefor the current annual registration certificate authorizing him to continue the practice of optometry in this state for a period of one year.

"Any license and license certificate previously granted under the authority of this or any prior optometry practice law shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for by January 1 each year. Any optometrist whose license shall

be automatically suspended by reason of failure, neglect or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of a penalty fee of \$100.00 plus all accrued annual registration fees accompanied with the prescribed form for annual registration of such license.

"Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before the first day of November each year, the board shall notify such licensee by certified or registered mail addressed to his last address of record that such application and fee have not been received and that, unless such application and fee are received on or before the first day of January of the following year, his license and license certificate shall be automatically suspended.

"The board may waive annual registration and the payment of fees while any licensee is prevented from practicing optometry by reason of physical disability or on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said disability or temporary active duty continues."

"§34-22-23.

"Any of t The following shall constitute grounds for revocation of license or suspension of license for a definite period of time, or for private or public reprimand, when it has been found that a licensee is guilty of the same (or of any of them) after hearings by the board and legal proceedings as provided in this chapter or for probation, or for the levying and collection of an administrative fine not to exceed \$1,000.00 per violation, or the institution of any legal proceedings necessary to effect the provisions of this chapter:

"(1) Fraud, deceit, dishonesty or misrepresentation, whether knowingly or unknowingly, in the practice of optometry or in obtaining any license, license certificate, annual registration certificate or other thing of value;

"(2) Incompetency ~~or unfitness by reasons of negligence;~~

"(3) Conviction of a felony or a misdemeanor which involves moral turpitude;

"(4) Gross immorality;

"(5) Habitual drunkenness or addiction to the use of morphine, cocaine or other drugs having similar effect;

"(6) Insanity, as adjudged by a court of competent jurisdiction;

"(7) Directly or indirectly employing, hiring, procuring or inducing a person, not licensed to practice optometry in this state, to so practice;

"(8) Directly or indirectly aiding or abetting in the practice of optometry any person not duly licensed to practice under this chapter;

"(9) Directly or indirectly employing solicitors, canvassers or agents for the purpose of obtaining patronage;

"(10) Willfully or repeatedly violating any of the provisions of this chapter;

"(11) Practicing or attempting to practice optometry under a name other than one's own name as set forth on the license certificate;

"(12) Lending, leasing, renting or in any other manner placing his license or license certificate at the disposal or in the service of any person not licensed to practice optometry in this state;

~~"(13) Soliciting patients by fraudulent or misleading advertising of any kind, nature or description; provided, that upon the opening, reopening or removal of an office for the practice of optometry, an optometrist may publish, in local newspapers, an announcement, which announcement shall be limited to a statement of his name, title, profession, degrees, address, telephone number and office hours; provided further, that such announcement shall not be published for more than 90 days after the opening, reopening or removal of such office and that such announcement shall not exceed eight square inches in area;~~

"(14) For failure to comply with the continuing education requirements established by the board pursuant to the provisions of this chapter;

"(15) For practicing optometry in any temporary office, apart from a regularly established office; provided, that a licensed optometrist may establish a branch office if such branch office shall be duly equipped with the instruments necessary, according to rules and regulations promulgated by the board, to make complete optometric examination; provided further, that such branch office is in the personal and direct and charge of the optometrist establishing it or a licensed associate;

"(16) For practicing optometry as the employee of any person, group, association or corporation on the basis of any fee splitting or on any basis which has the effect of any such agreement; provided, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from participating in health maintenance organizations composed of licensed professional practitioners in the health care field, other similar ethical professional health care groups or in professional associations or professional corporations organized under Alabama law or penalize him for such participation; provided further, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from practicing as the partner, employee or associate of another licensed optometrist; or

"(17) Violation of such other standards of unprofessional conduct as may be adopted as rules by the board."

"§34-22-24.

"All fees received by the board for examinations, annual renewal registrations or from any other source shall be utilized in regulating the practice of optometry and paying the expenses of the board, including necessary clerk hire, legal expenses and per diem and expenses of the members of the board as herein provided. Should the funds in the hands of the board at the end of any fiscal year (October 1) be more than ~~\$2,500.00~~ \$60,000.00, the excess of this amount shall be paid into the state treasury to the credit of a special trust fund which shall be spent solely for the purpose of constructing, operating and maintaining a college of optometry at the University of Alabama, in Birmingham, equipping of facilities, student scholarships and loans, faculty salaries and endowments, continuing education and research grants."

"§34-22-40.

"In order to accomplish the purposes and to provide for the enforcement of this chapter, there is hereby created the Alabama board of optometry.

The board is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. On October 10, 1975, the state board of optometry as then constituted shall be abolished, but the members thereof shall serve as members of the Alabama board of optometry created hereby and shall continue to serve until their present terms of appointment expire, as set out below. The Alabama board of optometry shall consist of five persons, no two of whom shall reside in the same U.S. Congressional district, and shall be composed as provided herein:

"(1) Five shall be persons licensed to practice optometry in this state, each of whom shall be a resident of this state, who shall have been actively engaged in the practice of optometry for at least five years next preceding the date of their appointment. The term of one member of the board shall expire October 1, 1975, and every fifth year thereafter; the term of one member shall expire October 1, 1976, and every fifth year thereafter; the term of one member shall expire October 1, 1977, and every fifth year thereafter; the term of one member shall expire October 1, 1978, and every fifth year thereafter; and the term of one member shall expire October 1, 1979, and every fifth year thereafter. Each member of the board shall be appointed by the governor from a list of five names of qualified persons certified to him by the board.

"When the term of any member of the board expires, that person shall continue to serve until his successor is appointed and qualified.

"For the purpose of preparing the list of five names, the board shall conduct an annual meeting at least 30 days prior to October 1 of each year, at which all optometrists licensed to practice and holding a current annual registration certificate pursuant to the provisions of this chapter shall have the right to attend, nominate and vote. The board shall have the authority to regulate and prescribe the place and hour of the meeting, the method of nomination and the manner of voting. Each optometrist in attendance shall have the right to vote for those persons duly nominated, and no cumulative or proxy voting shall be permitted. Each optometrist voting must vote for five nominees in order for his ballot to be valid, and any ballot indicating votes for more or less than five nominees shall be null and void. The five persons receiving the greatest number of votes of those in attendance at the meeting shall be the five persons whose names shall be certified to the governor for appointment to the board, without substitution. In order for a person to withdraw from the list, the person must do so in writing and present it to the secretary of the board prior to the submission of the list to the governor, after eliminating the person withdrawing from the list, and the list shall be composed solely of those names remaining. At least 30 days prior to said meeting the board shall mail notices to each optometrist licensed to practice and holding a current annual registration certificate pursuant to the provisions of this chapter at the address shown on his current registration notifying each optometrist of the exact date, place and hour of the meeting, the purpose of the meeting and of his right to attend and vote. In the event of a vacancy prior to the next annual meeting, the governor shall fill such vacancy from the remaining names on the list. The governor may remove any member for neglect of duty, incompetency, improper or unprofessional conduct or when his license has been revoked or suspended.

"(2) Effective October 1, 1984, no person may serve more than two consecutive terms on the board. Time served on the board prior to October 1, 1984, shall not count toward this limitation."

"§34-22-41.

"(a) The board shall choose annually one of its members as president, one as vice-president and one as secretary-treasurer, who severally shall have the power during their terms of office to administer oaths and take affidavits, certifying thereto under their hand and the common seal of the board.

"(b) The board shall meet at least once in each year in the city of Montgomery or in such place as is designated by the president and, in addition thereto, whenever and wherever the president thereof shall call a meeting. A majority of the board shall at all times constitute a quorum. The secretary of the board shall keep a full record of the proceedings of the board, which records shall at all reasonable times be open to public inspection.

"(c) Each member of the board shall be reimbursed at the same per diem and travel allowance amounts paid by law to state employees for each day's for his actual traveling expenses and the actual necessary expense incident to his attendance upon the business of the board and, in addition thereto, the sum of ~~\$25.00~~ \$75.00 per diem for each day actually spent by such member upon the business of the board. All such expenses and per diem shall be paid out of the receipts of the board under the provisions of this chapter. The secretary shall receive such compensation as may be fixed by the board and shall be the custodian of all records and the official seal of the board.

"(d) All money received by the board shall be deposited to the credit of the board in a bank selected by its members for the use of the board, and the execution and enforcement of the provisions of this chapter and the payments of salaries, expenses and other costs herein provided shall be paid by checks drawn by the treasurer and countersigned by the president of the board.

"(e) The president and treasurer shall give such bonds as the board from time to time directs.

"(f) The board shall make an annual report of its proceedings to the governor on the first Monday of January of each year."

"§34-22-43.

"The secretary of the board shall keep a registry in which shall be entered the names of all persons to whom temporary licenses, limited licenses, license certificates and annual registration certificates have been granted under this chapter, the numbers of such license certificates and annual registration certificates, the dates of granting the same and other matters of records and shall keep a true and correct copy of the minutes of all board meetings, and the book so provided and kept shall be the official book of records.

"A photostatic copy of said records, or a copy of said records certified by the secretary and under the seal of the board, shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in said records and in lieu of the original thereof.

"A certificate under the hand of the secretary and the seal of the board that there is not entered in such record books the name and number of and date of granting such license certificate or renewal license certificate to a person charged with a violation of any of the provisions of this chapter shall be prima facie evidence of the facts contained therein. Such certificates shall

be admitted in any of the courts of this state in lieu of the records of the board.

"The original books, records and papers of the board shall be kept at the office of the secretary of the board, which office shall be at such place as may be designated by the board.

~~"On January first of each year, or within 10 days thereafter, the secretary of the board shall publish and mail to every registered optometrist in the state a printed list of the legally registered optometrists within the state, and each published list shall contain at the beginning thereof these words: 'Each registered optometrist receiving this list is requested to report to the secretary of the board the name and address of any person known to be practicing optometry whose name does not appear in this registry.'~~

"Upon the payment of a reasonable fee to be established from time to time by the board, the secretary of the board shall mail a copy of the most recent registry to any person requesting same."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Box, Breedlove, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Coburn, Cosby, Crow, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 319 as amended:

To amend H. B. 319 as follows:

On page 18, line 20, add a new Section 4 and renumber subsequent sections accordingly.

"Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Coburn, Cosby, Crow, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (L), Willis, Wright and Zoghby.

—68

And the bill:

H. 319. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide further for reciprocity for licensees from out-of-state; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U. S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson,

Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—80

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Buskey (JL) offered the motion to reconsider the vote by which the bill, H. 318 as amended, was passed, and the motion to reconsider was adopted.

H. 318 TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JL), the bill, H. 318 as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 320, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Warren, White (F), White (L), Willis, Wright and Zoghby.

—75

And the bill:

H. 320. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, that he have no vote in licensure or disciplinary actions, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 320 on page 2, in the Title, lines 6 and 7, after the word "professional," by striking the following:

~~that he have no vote in licensure or disciplinary actions,~~

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

—74

And the bill:

H. 320. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Willis and Zoghby.

—74

H. 318 AGAIN TAKEN UP

And the bill, H. 318 as amended, which previously was reconsidered, was again taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the bill, H. 318 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, so as to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to authorize the board to levy and collect administrative fines and institute legal proceedings in order to discipline its licensees; and to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of the Board of Physical Therapy, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to Sections 34-24-190 through 34-24-217, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-24-192.

“(a) Composition; appointment and terms of members.—The board of physical therapy shall consist of five members, appointed by the governor from a list of ~~three~~ five persons nominated for each place on such board by the current licensees and certified to him by the board. For the purpose of preparing the list of ~~three~~ five names, the board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under the provisions of this article shall have the right to attend, nominate and vote. The board shall have the authority to regulate and prescribe the date, hour and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to said meeting the board shall mail notices to each current licensee at the address shown on his current registration notifying him of the exact date, hour and place of the meeting, the purpose of the meeting and of his right to attend and vote. In the event of a vacancy prior to the next annual meeting, the governor shall fill such vacancy from the remaining names on the list. The board members shall be appointed for staggered terms of five years each, so that one member's term expires each year. No person shall be appointed for more than two consecutive terms, ~~but may be appointed to another term after a minimum of one year following the expiration of a~~

~~previous term of appointment.~~ Four members shall be physical therapists and one member shall be a physical therapist assistant. The members of the board serving when this amendment becomes effective shall serve out the terms for which they were, respectively, appointed. The three appointments made in 1985 to implement this amendment shall be a physical therapist assistant for three years, a physical therapist for four years and another physical therapist for five years. All subsequent appointments shall be for the regular five year period.

“(b) Qualifications of members.—Each board member shall:

“(1) Be a resident of this state; and

“(2) Have practiced physical therapy, or acted as a physical therapist assistant, within the state of Alabama for the three years preceding his appointment.

“(c) Vacancies. —Any vacancy within a term shall be filled by appointment of the governor from a list of three nominees submitted by the ~~Alabama Chapter of the American Physical Therapy Association~~ current licensees of the board.

“(d) Officers; compensation and expenses of members.—The board shall designate one of its members as chairman, one as secretary and one as treasurer. Members of the board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for their other expenses in the same amounts and under the same conditions as state employees are reimbursed. The exact amount of the above-mentioned fee shall be fixed by the board.

“§34-24-193.

“(a) It shall be the duty of the board to pass upon the qualifications of applicants for registration as physical therapists and licensing as physical therapist assistants, to conduct examinations, to issue licenses and renewals to physical therapists and physical therapist assistants qualifying under this article and in a proper case to suspend or revoke the registration or license of such persons. The board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties but shall not issue any rules or regulations that require a physical therapist assistant to be within sight of a consulting physical therapist or a physical therapist supervisor while working under the direction of that physical therapist. The board shall maintain a register listing the name of every living physical therapist and physical therapist assistant registered or licensed in this state, his last known place of business and last known place of residence and the date and number of his license. The board shall compile a list of physical therapists and physical therapist assistants registered or licensed to practice in this state, and such list shall be available to any person upon application to the board and the payment of such charge as may be fixed by the board. Subject to the provisions of section 34-24-195, the board shall have the power to make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of this article.

“(b) The board is hereby specifically authorized to establish and collect a fee for certifying to other boards or entities that a licensee is a member in good standing with the Alabama board.

“(c) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed one thousand

dollars (\$1,000.00) per violation, and it is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

"§34-24-216.

"(a) All licenses issued by the board to physical therapists and physical therapist assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the board of a fee set by the board. A license which has expired may, within five years of its expiration date, be renewed on the payment to the board of a fee set by the board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the board. After said five-year period, a license may be obtained only by complying with the provisions hereinabove relating to the issuance of an original license.

"(b) The board shall adopt a program of continuing education for its licensees not later than October 1, 1991. After such date, successful completion of the annual continuing education program shall be a requisite for the renewal licenses issued pursuant to this chapter."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

—75

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 318 as amended:

To amend H. B. 318 as follows:

On page 5, line 17, add a new Section 4 and renumber subsequent sections accordingly:

"Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Bowling, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Mathis, McDowell, McKee, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Warren, White (F), White (L), Willis and Zoghby.

—60

And the bill:

H. 318. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, so as to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to authorize the board to levy and collect administrative fines and institute legal proceedings in order to discipline its licensees; and to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

As thus amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Bowling, Box, Breedlove, Brooks, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Warren, Willis, Wright and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 321, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow,

Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

—73

And the bill:

H. 321. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Sections 34-37-2, 34-37-3, 34-37-4, 34-37-6, 34-37-8, 34-37-10, Code of Alabama 1975, so as to authorize the board to adopt rules pursuant to the administrative procedures statutes and adopt disciplinary administrative fines and to institute legal proceedings; to provide for a consumer member on the board; to authorize the board to set the compensation of its secretary-treasurer according to state personnel regulations; to provide that state licensing prohibits local entities from also licensing such individuals, it requires certain proof of prior experience for advanced licenses, and requires registration of apprentices, and provides for licensure not later than March 31, 1990, without examination under certain circumstances; to require continuing education by October 1, 1991, and making it a requisite for license renewal after that date; and to eliminate temporary revocable certificates 18 months after passage of this act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the bill, H. 321:

A BILL TO BE ENTITLED AN ACT

To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10 and sections 34-37-12 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of plumbers and gas fitters examining board, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the plumbers and gas fitters examining board, created and functioning pursuant to Sections 34-37-1 through 34-37-18, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-37-1 through 34-37-10 and sections 34-37-12 through 34-37-18, Code of Alabama 1975, are hereby amended to read as follows:

"§34-37-1. For purposes of this chapter, the following terms shall have meanings respectively ascribed to them herein unless the context clearly requires a different meaning:

"(1) APPRENTICE GAS FITTER OR PLUMBER. A person other than a master or journeyman gas fitter or plumber, who, as his principal occupation, is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus and appliances, and shall work directly under the supervision of a journeyman or master gas fitter and/or plumber, and who has successfully fulfilled the registration requirements of the board and has been duly registered by the board as such for the current year.

"(1) (2) BOARD. The Alabama plumbers and gas fitters examining board as renamed by this chapter. The board shall have authority to examine, certify and regulate plumbers and gas fitters on a statewide basis as provided in this chapter.

"(2) (3) CERTIFICATION. The process of testing at the state level to determine the knowledge and skill of an individual with respect to plumbing and gas fitting, and the issuing of a license certificates to indicate that an individual has passed such examination.

"3. GAS FITTING, GAS SYSTEMS OR GAS WORK. The installation, repair or replacement of pipes, fixtures or other apparatus necessary for supplying natural gas for residential or commercial use.

"(4) GAS FITTING, GAS SYSTEMS, OR GAS WORK. The installation, repair of pipes, fixtures, fittings, appliances or apparatus necessary for supplying natural gas for residential or commercial use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation. The provisions of this chapter shall not be construed to prevent any contractor certified by the Alabama board of heating and air conditioning contractors from installing, replacing or performing service or repair on natural gas fired air heating/cooling appliances, excluding piping to them provided the installer on the job has in possession on his or her person for inspection, a valid certificate issued by the Alabama board of heating and air conditioning contractors.

"(4) JOURNEYMAN GAS FITTER. A person who engages in or works at the actual installation, repair or replacement of gas work and who has not been issued a master gas fitter certification by the board.

"(5) JOURNEYMAN GAS FITTER. A person who engages in or works at the actual installation, repair or replacement of gas work and who has successfully fulfilled the examination requirements of the board and has been issued a journeyman gas fitter certificate by the board and possesses a valid and current annual certificate issued by said board. Such certificate must be available for inspection on request.

"(5) JOURNEYMAN PLUMBER. Any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board.

"(6) JOURNEYMAN PLUMBER. A person who engages in or works at the actual installation, repair or replacement of plumbing systems and who has successfully fulfilled the examination requirements of the board and has been issued a journeyman plumber certificate by the board and possesses a valid and current annual certificate issued by said board. Such certificate must be available for inspection on request.

"6. MASTER GAS FITTER. A person who is in responsible charge and direction of the installation, repair or replacement of gas work, and who has been issued a master gas fitter license by the board.

"(7) MASTER GAS FITTER. Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance or repair of gas systems or gas work, either or both. Such individual must qualify to be a certified master gas fitter. If such business be a firm or corporation, at least one active employee of such firm or corporation must be a duly registered and certified master gas fitter, actively and continuously connected with the conduct of said business. Such master gas fitter must have in his possession a current annual certificate issued by the board. Such certificate must be available for inspection on request.

"7. MASTER PLUMBER. Any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and if such licensee be a firm or corporation, at least one active member of such firm or corporation must be a duly registered master plumber, actively, continuously connected with the conduct of said business.

"8. MASTER PLUMBER. Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance or repair of plumbing, either or both. Such individual must qualify to be a certified master plumber. If such business be a firm or corporation, at least one active employee of such firm or corporation must be a duly registered and certified master plumber, actively, continuously connected with the conduct of said business. Such master plumber must have in his possession a current annual certificate issued by the board. Such certificate must be available for inspection on request.

"(8) (9) PLUMBING, PLUMBING SYSTEMS OR PLUMBING WORK. The installation, repair or replacement of pipes, fixtures or other apparatus necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems.

"(9) SECRETARY. The executive secretary of the board.

"§34-37-2. (a) The plumbers examining board as created by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, is hereby renamed the Plumbers and Gas Fitters Examining Board and the authority of such board is hereby expanded so as to allow it to examine, license certify and regulate plumbers and gas fitters on a statewide basis as hereinafter provided in this chapter. The board shall have the authority to make and enforce rules adopted in accordance with the Alabama Administrative Procedure Act.

“(b) In addition to those disciplinary powers provided in section 34-37-12 hereof, the board is hereby authorized to levy and collect administrative fines, not to exceed \$1,000.00 per violation, and to institute any legal proceedings necessary to effect the provisions of this chapter from its licensees for violation of this chapter or any rules of the board.

“§34-37-3. The current board members of the plumbers examining board created and established by Act No. 529 of the 1949 Regular Session (Acts 1949, p. 827) Act No. 87-812, S. 490, 1987 Regular Session (Acts 1987, p. 1616), shall continue to serve on the board as renamed by this chapter until the expiration of their current terms. Provided, however, that whenever a current term on said board expires after October 1, 1987, the governor shall make appointments to fill seats vacated by expiration of term so that each congressional district in the state shall eventually be represented on such board. The order by which such appointments from congressional districts shall be made by the governor shall be as follows: District No. 6; District No. 7; District No. 5; District No. 2; District No. 4; District No. 1; and District No. 3. The governor shall designate the length of the term of each of his appointees not to exceed four years. The board shall always be composed of at least two members who are holding a current membership in either the American Federation of Labor Congress of Industrial Organization (AFL-CIO) or one of its affiliate organizations. The board shall always be composed of the following members: one member shall be a master plumber as defined by this act; one member shall be a journeyman plumber as defined by this act; one member shall be a registered professional engineer licensed as such by the state board of registration of professional engineers and land surveyors as provided in article 2 of chapter 11 of Title 34, Code of Alabama 1975, or any subsequent act relating to the licensing of professional engineers; one member shall be a municipal or county building official; one member shall be a master gas fitter as defined in this act; one member shall be a journeyman gas fitter as defined in this act; and one member shall be appointed from the public at large. The member representing the public at large shall not be engaged or otherwise connected with the plumbing or gas industry or the installation of plumbing or gas work nor connected with any person, firm or corporation handling or dealing in material, fixtures or appliances connected with plumbing or gas work.

“§34-37-4. The board shall continue to meet as heretofore provided by law meet at such intervals as necessary for the proper performance of its duties, but in no case less than once a year. Meetings shall be held at such places in the state as the board shall deem necessary. At its first meeting next following October 1, 1987, and every two years thereafter, the board shall organize itself by electing from its membership a chairman, and a vice-chairman and a recording secretary. The board shall appoint, employ or contract with a an Executive secretary treasurer Director for the board who shall also be the treasurer of the board but who shall not be a member of the board and who shall not be engaged or otherwise connected with the plumbing or gas fitting industry. The board shall set the compensation of the Executive Director in accordance with regulations of the state personnel board. Four members of the board shall constitute a quorum for transacting business which may come before the board. Each member of the board shall receive as compensation for services the sum of twenty-five dollars (\$25.00) \$50.00 per day for each day spent in active service for the board. In addition to such per diem compensation, each board member shall be reimbursed for any necessary expense incurred in performing duties as a board member. The expenses allowable to each board member shall not exceed the per diem amount of state travel expenses allowed by law, from time to time, for state

employees traveling on state business. Employees of the board shall likewise be entitled to reimbursement for traveling expenses incurred when traveling on official board business at the aforementioned rate for state employees traveling on state business. The board shall have the authority to employ or contract any stenographic or clerical help (and likewise employ enforcement officers) when and if the same may be needed, and to purchase necessary office supplies, equipment and services.

"The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the board. In no event shall any expense incurred by the board be charged against any funds of the state of Alabama other than the funds collected under the provisions of this chapter.

"§34-37-5. There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama Plumbers and Gas Fitters Examining Board Fund. All receipts collected by the board under the provisions of this chapter are to be deposited in this fund and used only to carry out the provisions of this chapter. Such fund shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the ~~secretary-treasurer~~ Executive Director of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of sections 41-4-80 through 41-4-96, as amended, and only in amounts as stipulated in the general appropriation bill or other appropriation bills; and provided further that any funds unspent and unencumbered at the end of each fiscal year shall not revert to the state general fund but shall carry forward to the succeeding fiscal year for the use of the board.

"The ~~secretary-treasurer~~ Executive Director of the board shall, before entering upon the duties of his office, make and file with the secretary of state an official bond in the sum of \$5,000.00, unless covered by the state blanket bond. The appropriate premiums on the same to be paid out of the funds of said board, said bond to be executed by an approved bonding fidelity or guaranty company, qualified to do business in Alabama and acceptable to the secretary of state.

"§34-37-6. (a) It shall be unlawful for any person, firm or corporation to purchase a business license or to do or perform, or to contract, direct or superintend any plumbing or gas fitting within any incorporated city or town or county of this state unless such person has first received a certificate of competency, hereinafter referred to as 'certificate,' and unless such certificate is in force and effect at time such plumbing or gas fitting is done, directed or superintended, except as hereinafter provided.

"(b) It shall be the duty of the board to register every person who may apply for an apprentice plumber or gas fitter registration certificate upon forms provided by the board, upon his first paying all fees herein prescribed.

"(c) It shall be the duty of the board to examine and pass upon the qualification of every person who may apply for a journeyman's plumber or gas fitter certificate upon forms provided by the board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing or gas fitting; the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and

sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply his knowledge and practice, the board shall issue to him a certificate, upon his first paying all fees herein prescribed.

“(d) It shall be the duty of said board to examine and pass upon the qualifications of every person who may apply for a master's plumber or gas fitter certificate upon forms provided by the board. If such person shows proof of experience as a journeyman plumber, gas fitter, or in other industry related business, as the case may be, he qualifies to take the master's certification examination. Such applicant for a master's certificate shall be ~~examined as an applicant for a journeyman's certificate, as hereinabove required to be examined, and also~~ upon his knowledge, training and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work; and if such applicant for a master's certificate be found to possess the qualifications hereinabove prescribed ~~for issuance of a journeyman's certificate, and also sufficient knowledge, training, and ability to competently and safely plan, lay out and supervise plumbing installation and construction work or gas fitting work,~~ he shall be issued a master's plumber or gas fitter certificate by said board.

“(e) The examination required of an applicant for a ~~permit certificate~~ as a master plumber or gas fitter or journeyman plumber or gas fitter may be waived by the board as to any person who furnishes satisfactory proof to the board that he is a person of good moral character, and that he has been actively engaged as a master plumber or gas fitter or as a journeyman plumber or gas fitter, and duly licensed as such under the general laws of the state of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the board, which application shall be accompanied by an affidavit giving the name or names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work or gas fitting work, during said two years of his engaging in said trade. And, provided, further, that said application be filed within 18 months after the passage of this chapter. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice thereof.

“(f) Licenses may be issued without examination to those persons who have been licensed under the general laws of the state as plumbers or gas fitters for at least two years as of March 1, 1989, or who furnish proof to the board that they have passed an examination substantially equivalent to the board-approved examination prior to October 1, 1987. The board shall determine the passing score and the equivalency of the examination. Application for licensure under this subsection without examination shall not be considered by the board after March 31, 1990.

“§34-37-7. Any person who fails to pass an examination may, upon reapplication and payment of the regular examination fee, be reexamined at any subsequent examination given by the board.

“§34-37-8. (a) Any person who holds a certificate issued by the board shall be issued a statewide certification upon the renewal of their existing certificate.

"(b) Any certificate issued by the board shall be acceptable by any city, town or county in the state 120 days after passage of this act and any existing local statute or ordinance contrary to this provision of this section is hereby repealed, and no other competency certification or examination shall be required of plumbers or gas fitters by any local governmental entity.

"(c) Any current registration or annual certificate issued to any person by the board shall be in possession of such person at any time he or she engages in or proposes to engage as a master, journeyman or apprentice plumber or gas fitter, as the case may be, and upon request he or she shall make such certificate or registration available for inspection and identification by any person or persons for whom he or she engages or proposes to engage as such, and for identification by plumbing, gas or other authorized enforcement personnel of any governmental entity, board or agency when requested.

"(d) The board shall adopt a program of continuing education for its licensees by October 1, 1991. After said date, successful completion of said continuing education program shall be a requisite for renewal of a license by a licensee.

"§34-37-9. The board shall set the necessary fees to administer the requirements of this chapter and when adopted, such fee schedule shall be in lieu of any fee schedule heretofore prescribed by said board. The board shall not change the fee schedule to be effective in the middle of a calendar year.

"The certificates provided for herein shall be issued by the board upon the payment of the prescribed fees. All annual certificates shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

"All applicants requesting replacement of lost or stolen certificates shall be required to pay a \$5.00 reissuance fee based on the regular fee schedule.

"All persons serving in the armed forces will not be required to pay any back years for a renewal certificate during the calendar year he is released from active military duty. All other persons shall pay back years unless proof satisfactory to the board is furnished indicating that the individual was not employed in such years in the plumbing or gas fitting trade.

"§34-37-10. (a) The board may issue a temporary revocable certificate for journeyman classification one time only to any person pending such person's examination for a certificate, if such person furnishes satisfactory proof that he holds a license or certificate to practice as a ~~master or~~ journeyman plumber or gas fitter in any state wherein plumbers and gas fitters are required to meet prescribed standards before engaging in the trade of ~~master or~~ journeyman plumber or gas fitter. Any such temporary certificate during the effective period thereof shall have the force and effect of an annual certificate; but no such temporary certificate shall be effective for a period of more than 90 days from the issuance thereof, or until the next examination, whichever is longer. Prior to receiving any such temporary certificate, the applicant therefor shall be required to pay to the board one half of the annual certificate fee provided for ~~master plumber or gas fitter or~~ journeyman plumber or gas fitter, as the case may be. A special master plumber and gas fitter examination may be given at the discretion of the board.

"(b) After 18 months following the effective date of this act, no temporary revocable certificate shall be issued by the board.

"§34-37-12. The board may revoke or suspend any certificate if obtained through concealment, misstatement or misrepresentation of any material fact in the application for such certificate, or for a willful violation of any law or ordinance pertaining to the business of the holder of such certificates. Before a certificate may be revoked, the holder thereof shall have notice in writing, enumerating the charges against him, and be entitled to a hearing by the board not sooner than five days from receipt of notice. The holder of such certificate shall be given an opportunity to present testimony, oral or written, and right of cross-examination and representation by counsel. All testimony shall be given under oath. The board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

"The decision of the board shall be based on the evidence produced at the hearing and made a part of the record thereof. The person whose certificate has been revoked shall not be permitted to apply for a license for one year from the date of revocation.

"Hearings shall be conducted by a hearing officer appointed by the board. Said hearing officer may be a board member, the ~~secretary-treasurer~~ Executive Director or such other person as the board may deem fit and proper to hold such hearing. The testimony adduced at said hearing, along with all other proceedings, shall be taken down by a competent stenographer and shall be preserved as a record of the board and shall be open to the public inspection at all reasonable times. A copy of said record so adduced shall be furnished to each member of the board, and no license shall be revoked unless a majority of the board members concur with the revocation of same.

"No license annual certificate shall be issued to any licensee certificate holder whose license certificate shall have been revoked by the board after such hearing until one year from and after the date of such revocation unless the licensee certificate holder whose license certificate shall have been so revoked shall enter into a bond with good and sufficient surety in the penal sum of \$1,000.00 to faithfully comply with the provisions of this chapter and of all rules and regulations and codes adopted by the board, provided, however, that such licensee certificate holder whose license certificate shall be so revoked may within five days after such revocation appeal from the board's decision or revocation to the circuit court of the county in which said licensee certificate holder resides, does business or is employed.

"§34-37-13. In order to protect the public from damages arising from plumbing and gas fitting or plumbing work and gas fitting work failing to comply with the requirements of any state laws applicable thereto, or with the ordinances of any municipal corporation applicable thereto, it is hereby provided that before any person engages in the business of master plumber or master gas fitter, he shall execute and deposit with the judge of probate in the county of his principal place of business a bond in the sum of ~~\$2,000.00~~ \$10,000.00. Such bond shall be a cash bond of ~~\$2,000.00~~ \$10,000.00 or executed by a surety authorized and qualified to write surety bonds in the state of Alabama, and shall be approved by the probate judge. Such bond shall be conditioned upon all plumbing and gas fitting work done or supervised by such master plumber or master gas fitter complying with the provisions of any laws or ordinances relating to plumbing and gas fitting and applicable thereto. Action on such bond may be brought against the principal and surety thereon in the name of, and for the benefit of, any person who suffers damages as a consequence of said master plumber's or master gas fitter's

work not conforming to the requirements of any laws or ordinances pertaining to plumbing and gas fitting and applicable thereto, provided, however, that the aggregate liability of the surety to all persons so damaged shall, in no event, exceed the sum of said bond.

"§34-37-14. (a) No person who has obtained a certificate shall allow his name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his certificate; and every person certified shall notify the board of the address of his place of business and the name under which such business is carried on, and shall give immediate notice to the board of any change in either.

"(b) Before any person certified by the board engages in the business of master plumber and/or master gas fitter, he shall notify the board of the address of the place of business he or she engages in as such and the name under which such business is carried on and shall give immediate notice of any change in either. All information required by this section shall be furnished on a business certification form furnished by the board.

"(c) Any certified master plumber or master gas fitter who desires to renew his annual certificate but does not intend to engage as a master shall complete an inactive status affidavit obtained from the board.

"§34-37-15. The following acts, work and conduct may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

"(1) Plumbing work done by a property owner in or about a building owned or occupied by him so long as such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

"(2) Plumbing or gas fitting work done by anyone who is regularly employed or acting as a maintenance man acting under the supervision of a maintenance engineer or maintenance engineer incidental to and in connection with the business in which he is employed and engaged, provided said plumbing or gas fitting work is done on the premises of said employer, and who does not engage in the occupation of a plumber or gas fitter for the general public.

"(3) Maintenance and reinstallation work done upon the premises or equipment of a railroad, other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber or gas fitter for the general public.

"(4) Plumbing or gas fitting work done by persons engaged by any public service utility company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, provided such plumbing ~~or gas fitting~~ work does not necessitate tying into waste or sewer lines on the outlet side of a trap or alter gas piping on consumer side of meter.

"(5) Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations, ~~including fixtures with built-in traps,~~ provided, however, that no person other than a plumber as defined by this act shall be permitted to install traps, closet combinations or commodes.

~~"(6) Any person may install water heaters, provided, however, a permit has been obtained from the municipality for such installation where the same is required by municipal ordinance.~~

"(7) (6) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

"§34-37-16. (a) No person shall use nor allow their license certificate to enable anyone other than the license certificate holder and his employees directly supervised by the license certificate holder to perform plumbing or gas fitting. Local officials may require the license certificate holder to be present if any problems develop on the work.

"(b) No license certificate issued by the board can be sold or transferred. Any license certificate which is misused may be revoked by the board.

"§34-37-17. It shall be unlawful for any person to violate any provision of this act regulating plumbers and gas fitters and any person convicted of such violation shall be punished as prescribed for a Class B misdemeanor.

"§34-37-18. This act shall have supplemental effect. It shall be construed in pari materia with the provisions of Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, insofar as the provisions of said Act No. 529, as amended, are not inconsistent with the provisions of this act. Provided, however, that this chapter shall repeal and supersede any laws or parts of laws relating to the licensing and regulation of plumbers and gas fitters which are in conflict with the provisions of this chapter. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), is hereby specifically repealed."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Section 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 321 TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JL), the bill, H. 321, and the pending substitute were temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 313. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from

jury duty); to provide further for the revocation or suspension of licenses by the board; to eliminate references to "theoretical subjects" in examinations of applicants; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

TOMMY CARTER,
Chairman.

And the bill, H. 313 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 316. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department.

TOMMY CARTER,
Chairman.

And the bill, H. 316 as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Rep. Frazier that the House adjourn until 10:00 o'clock a.m., Thursday, March 9, 1989, was lost.

RECESS

On motion of Rep. Adams, the House stood in recess for fifteen minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 322, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Escott, Frazier, Goodwin, Grouby, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker,

Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turner, Warren, White (F), White (L), Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 320. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

TOMMY CARTER,
Chairman.

And the bill, H. 320 as engrossed, was ordered sent to the Senate.

And the bill:

H. 322. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36 and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36 and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment

of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of Real Estate Commission, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Real Estate Commission, created and functioning pursuant to Sections 34-27-1 and through 34-27-69, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36 and 34-27-66 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-27-2.

“(a) For purposes of articles 1 and 2 of this chapter, the following terms shall have the respective meanings ascribed by this section:

“(1) PERSON. A natural person.

“(2) BROKER. Any person licensed as a real estate broker under the provisions of articles 1 and 2 of this chapter.

“(3) SALESMAN. Any person licensed as a real estate salesman under the provisions of articles 1 and 2 of this chapter.

“(4) QUALIFYING BROKER. A broker under whom a corporation, partnership, or branch office is licensed, or a broker licensed to do business as a sole proprietorship, and who is responsible for supervising the acts of the company or proprietorship and all real estate licensees licensed therewith.

“(5) COMPANY. Any corporation, partnership, or branch office licensed as a company under the provisions of articles 1 and 2 of this chapter.

“(6) ASSOCIATE BROKER. Any broker other than a qualifying broker.

“(7) LICENSEE. Any broker, salesman or company.

“(8) COMMISSION. The Alabama real estate commission, except where the context requires that it means the fee paid to a broker or salesman.

“(9) ENGAGE. Contractual relationships between a qualifying broker, and an associate broker or salesman licensed under him whether the relationship is employer-employee, independent contractor, or otherwise.

“(10) INACTIVE LICENSE. A license which is being held by the commission office by law, order of the commission, or at the request of the licensee or which is renewable but is not currently valid because of failure to renew.

“(11) LICENSE PERIOD. That period of time beginning on October 1, of a year designated by the commission to be the first year of a license

period and ending on midnight September 30 of the year designated by the commission as the final year of that license period.

“(12) COMMISSIONER. A member of the commission.

“(13) RECOVERY FUND. The Alabama real estate recovery fund.

“(14) PLACE OF BUSINESS. a. A licensed broker living in a rural area of this state who operates from his home, provided that he sets up and maintains an office for the conduct of the real estate business, which office shall not be used for living purposes or occupancy other than the conduct of the real estate business; provided further, such office shall be used by the broker only and not as a place of business from which (an) additional licensee(s) may operate under his license. Such office must have a separate business telephone, separate entrance, and be properly identified as a real estate office.

“b. All licensees located within the city limits and/or police jurisdiction of a municipality must operate from a separate office located in the city limits and/or police jurisdiction. Such office must have a business telephone, must meet all other regulations of the real estate commission, and must be properly identified as a real estate office. Hardship cases may be subject to waiver of this regulation upon application and approval by the commission.

“c. All business records and files must be kept at the place of business as may be required by law or real estate commission rules.

“(b) The licensing requirements of articles 1 and 2 of this chapter shall not apply to the following persons and transactions:

“(1) Any owner in the managing of, or in consummating a real estate transaction involving, his own real estate or the real estate of his spouse or child or parent; or

“(2) Attorney-at-law performing his duties as an attorney-at-law; or

“(3) Person acting without compensation and in good faith under a duly executed power of attorney authorizing the consummation of a real estate transaction; or

“(4) Person or a state or federally chartered financial institution acting as a receiver, trustee, administrator, executor or guardian; or acting under a court order or under authority of a trust instrument or will; or

“(5) Public officer performing his official duties; or

“(6) Person performing general clerical or administrative duties for a broker so long as the person does not physically show listed property; or

“(7) Person acting as the on-site manager for an apartment building or complex if the manager resides on the premises. However, this exception shall not apply to a person acting as an on-site manager of a condominium building or complex; or

“(8) Person licensed as a time-share seller under article 3 of this chapter performing an act consistent with the provisions of that article; or

“(9) Transactions involving the sale, lease, or transfer of cemetery lots.”

“§34-27-7.

“(a) There is hereby created the Alabama real estate commission. The commission shall consist of eight members appointed by the governor with

the advice and consent of the senate as hereinafter provided. The governor's appointments to the commission shall be made from a list of three persons nominated by the governing body of the Alabama professional real estate society or trade association which has the largest licensee membership, as evidenced by the filing of a verified list of paid members with the Secretary of State within ten days of the effective date of this act, and annually by December 31 of each year thereafter. The governor shall appoint one of the three nominated persons within 30 days following receipt of the list. If the governor does not make an appointment within 30 days, the said real estate society or trade association shall provide the governor a list of three additional nominees. The governor, upon receipt of the second list of nominees, shall appoint one of the six nominees within 30 days following receipt of the nominees. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature.

“(b) Ad interim appointments may be made by the governor when the legislature is not in session only for vacancies occurring by reason of death or resignation of a board member. Ad interim appointments must be confirmed by the senate at the next following regular or special session of the legislature and failure by the senate to so confirm shall result in a vacancy on the board which shall be filled by appointment by the governor and confirmation by the senate while the legislature is in session. Any such vacancy not acted upon shall remain a vacancy until it is filled at a subsequent session of the legislature in the manner herein prescribed.

“(c) Each of the original seven appointees and their successors shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of any federal or state real estate license law shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission shall serve five-year terms. On and after April 7, 1988, no member shall serve for more than two consecutive terms of office, except, however, each member shall hold office until his successor is appointed and confirmed by the senate. The period of time any member serves after the expiration of his term of office while awaiting the appointment and senate confirmation of his successor shall not be considered as a consecutive term of office in determining the two consecutive terms of office limitation herein provided. All appointments shall expire on September 30 of the final year of a term, or on the date a successor to the member is appointed and confirmed. If a member does not serve his full term, the governor shall appoint, in the same manner as original appointments are made, subject to confirmation by the senate, a member to serve the unexpired portion of the term.

“(d) On September 30, 1988, the governor shall appoint one new member to the commission, subject to the confirmation of the senate, who shall be a black member who meets all of the other requirements of subsection (c) hereof, who shall serve no more than two consecutive terms of office, who shall be a full voting member, and who may be appointed from any congressional district in the state, provided that each successor black member shall be appointed from a different congressional district to be rotated equally among the remaining congressional districts.

“(e) On the appointment of a new commissioner, the commission shall meet and select from its members a chairman.

“(f) Each member of the commission shall receive as full compensation \$300.00 per month. The members of the commission, its staff and attorneys shall receive the same per diem and travel allowance as is paid to state employees for each day they meet to conduct the official business of the commission.

“(g) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as are necessary to discharge its duties and administer this chapter. The executive director and assistant executive director shall be employed on the basis of their education, experience, and skills in administration and management. The commission shall advertise to seek quality applicants possessing such qualifications and shall conduct interviews of the top applicants. The assistant executive director shall act as and have authority of the executive director in his absence. The commission shall determine the duties and fix the compensation of the executive director, assistant executive director, and other staff members, subject to the general laws of the state.

“(h) The commission shall adopt a seal by which it shall authenticate records and documents. Copies of all records and documents in the office of the commission duly certified and authenticated by the seal of the commission shall be received in evidence in all courts equally and with like effect as the original. All public records kept in the office of the commission shall be open to public inspection during reasonable hours and under reasonable circumstances.

“(i) No commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.”

“§34-27-8.

“(a) The commission may act by a majority of its members, and is authorized and empowered to adopt and enforce all rules and regulations pursuant to the state administrative procedure statutes as are necessary for the administration of the provisions of this chapter, and to otherwise do all things necessary and convenient for effecting the provisions of this chapter.

“(b) In addition to the powers granted herein, the commission is authorized and empowered to adopt and enforce rules and regulations governing the requirements of agency disclosure by licensed brokers and salesmen.

“(c) It is further expressly provided, however, that each sales contract prepared after the effective date of this act shall have prominently displayed either in pre-printed form or typed-in or hand-written in the following AGENCY DISCLOSURE clause:

AGENCY DISCLOSURE: The listing Agency represents the Seller (unless otherwise stated), and the selling Agency represents Seller Purchaser. Seller's initials Purchaser's initials.”

“§34-27-32.

“(a) A license for a broker or a salesman shall be registered to a specific real estate office and shall be issued only to, and held only by, a person:

“(1) Who is trustworthy and competent to transact the business of a broker or salesman in a manner that safeguards the interest of the public;

"(2) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination. Any applicant whose license has been revoked must meet all the requirements imposed on an original applicant for a license and shall not be relicensed without the approval of the commissioners;

"(3) Who is at least 19 years old;

"(4) Who is a citizen of the United States or is an alien with permanent resident status; and

"(5) Who if a nonresident, agrees to sign an affidavit stating the following and in the following form:

"I, as a nonresident applicant for a real estate license and as a licensee, agree that the Alabama Real Estate Commission shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licensees. Further, I agree that civil actions may be commenced against me in any court of competent jurisdiction in any county of the state of Alabama.

"I hereby appoint the executive director or the assistant executive director of the Alabama real estate commission as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that such service upon my said agent shall be the same as service upon me and that certified copies of this appointment shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my said agent shall be of the same legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability remaining in the state of Alabama. I understand that my said agent shall, within a reasonable time after service upon him or her, mail a copy of same by certified mail, return receipt requested, to me at my last known business address.

"I agree that I am bound by all the provisions of the Alabama real estate license law the same as if I were a resident of the state of Alabama.

Legal signature of applicant'

"The commission may, in its discretion, reject the application of any person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

"(b) A person desiring to be a real estate broker in this state must apply for a broker's license on a form prescribed by the commission which shall specify the real estate office to which he is registered. Along with the application, he shall submit:

"(1) Proof that he has had an active real estate salesman's license in Alabama for at least 24 months of the 36 month period immediately preceding the date of application;

"(2) Proof that he is a high school graduate or the equivalent;

"(3) Proof that he has completed a course in real estate approved by the commission, which will be a minimum of eight weeks in length, which will meet at least once a week, which will contain a minimum of 45 classroom

hours. This course must be taught by an instructor who has had approval of the Alabama real estate commission prior to an approved pre-license course and shall be taught within the state of Alabama.

“(4) Any other information requested by the commission.

“In lieu of the requirements of subdivisions (1) and (3) hereof, the applicant may furnish proof that he has successfully completed at least 15 semester hours or its equivalent in real estate courses approved by the commission.

“(c) A person desiring to be a real estate salesman in this state must apply for a salesman's license with the commission on a form prescribed by the commission which shall specify the real estate office to which he is registered. Along with the application he must furnish:

“(1) Proof that he is a high school graduate or the equivalent,

“(2) Proof that he has successfully completed a course in real estate approved by the commission, which will be a minimum of eight weeks in length, which will meet at least once a week, which will contain a minimum of 45 classroom hours. This course must be taught by an instructor who has had approval of the Alabama real estate commission prior to an approved pre-license course and shall be taught within the state of Alabama. In addition, the applicant shall provide:

“(3) Any other information required by the commission.

“(d) An application for a company license for a corporation, partnership or branch office shall be made by a qualifying broker on a form prescribed by the commission. The qualifying broker must be an officer, partner or employee of the company.

“(e) An applicant for a company or broker license must maintain a place of business in the state of Alabama.

“(f) If the applicant for a company or broker license maintains more than one place of business in the state, he must have a company license for each separate location or branch office. Every application shall state the location of the branch office and the name of its qualifying broker. Each branch office shall be under the direction and supervision of a qualifying broker licensed at that address. No person may serve as qualifying broker at more than one location. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to the branch office.

“(g) No person may be qualifying broker for more than one company or for a company and on his own behalf unless:

“(1) All companies for which he is and proposes to be the qualifying broker consent in writing; and

“(2) He files a copy of the written consent with the commission; and

“(3) He will be doing business from the same location.

“A person licensed under a qualifying broker may be engaged by one or more companies with the same qualifying broker.

“(h) A company license shall become invalid on the death or disability of a qualifying broker. Within 30 days after the death or disability, the

corporation, or the remaining partners or the successor partnership, if any, may designate another of its officers, members or salesmen to apply for a license as temporary qualifying broker. The person designated as temporary qualifying broker either must be a broker or must have been a salesman for at least one year prior to filing the application. If the application is granted, the company may operate under the broker for no more than six months after the death or disability of its former qualifying broker. Unless the company designates a fully licensed broker as the qualifying broker within the six months, the company license shall be classified inactive by the commission."

"§34-27-34.

"(a) (1) A broker may serve as qualifying broker for a salesman or associate broker only if he is licensed in Alabama and his principal business is that of a real estate broker and he will be in a position to actually supervise the real estate activities of the associate broker or salesman on a full-time basis, and he must maintain a place of business in Alabama.

"(2) A salesman or associate broker may not perform acts for which a license is required unless licensed under a qualifying broker. A qualifying broker shall be held responsible to the commission and to the public for all acts governed by this chapter of each salesman and associate broker licensed under him and of each company for which he is the qualifying broker. It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or any company for which he is the qualifying broker comply with the provisions of this chapter. Additionally, the qualifying broker shall be responsible to an injured party for the damage caused by any violation of this chapter by any licensee engaged by the qualifying broker. This subsection does not relieve a licensee from liability that he would otherwise have.

"(3) The qualifying brokers' supervision responsibilities, as prescribed herein, over the real estate activities of associate brokers and salesmen licensed under him are not intended to and should not be construed as creating an employer-employee relationship contrary to any expressed intent of the qualifying broker and licensee to the contrary.

"(b) Any salesman or associate broker who desires to change his qualifying broker shall give notice in writing to the commission, and shall send a copy of the notice to his qualifying broker. The new qualifying broker must file with the commission a request for the transfer and a statement assuming liability for the licensee. On payment of a fee of \$25.00, a new license certificate shall be issued to the salesman or associate broker for the unexpired term of the original license. No license transfer shall be made during September of the final year of a license period except in case of undue hardship.

"(c) A person who wishes to terminate his status as qualifying broker for a licensee may do so by notifying the licensee and the commission in writing and sending the licensee's license certificate to the commission or verifying in writing to the commission that the certificate has been lost or destroyed.

"(d) A person who wishes to terminate his status as a qualifying broker for a company may do so by submitting written notice to the company or qualifying broker of the parent company and the commission.

"(e) A salesman or associate broker shall not perform any act for which a license is required after his association with his qualifying broker has been terminated, or if he changes qualifying brokers, until a new active license has been issued by the commission."

"§34-27-36.

"(a) The commission or its staff may on its own, or on the verified complaint in writing of any person, investigate the actions and records of a licensee. The commission may issue subpoenas and compel the testimony of witnesses and the production of records and documents during an investigation. If probable cause is found, a formal complaint shall be filed and the commission shall hold a hearing on the formal complaint. The commission shall revoke or suspend the license and/or impose a fine of not less than \$25.00 nor more than \$1,000.00 or reprimand the licensee in each instance in which the licensee is found guilty of:

"(1) Procuring, or attempting to procure, a license, for himself or another, by fraud, misrepresentation or deceit, or by making a material misstatement of fact in an application for a license; or

"(2) Engaging in misrepresentation or dishonest or fraudulent acts when selling, buying, trading, or renting real property of his own or of a spouse or child or parent; or

"(3) a. Making a material misrepresentation, or

"b. Failing to disclose to a potential purchaser or lessee any latent structural defect or any other defect known to the licensee. Latent structural defects and other defects do not refer to trivial or insignificant defects but refer to those defects that would be a significant factor to a reasonable and prudent person in making a decision to purchase or lease; or

"(4) Making any false promises of a character likely to influence, persuade or induce any person to enter into any contract or agreement; or

"(5) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen or any medium of advertising or otherwise; or

"(6) Publishing or causing to be published any advertisement which does or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesman; or

"(7) Acting for more than one party in a transaction without the knowledge and consent in writing of all parties for whom he acts; or

"(8) a. Failing, within a reasonable time, to properly account for or remit money coming into his possession which belongs to others, or coming money belonging to others with his own funds; or

"b. Failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama; or

"c. Failing to keep for at least three years a complete record of funds belonging to others showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information; or

"(9) Placing a sign on any property offering it for sale, lease or rent without the consent of the owner; or

"(10) Failing to voluntarily furnish a copy of each listing, contract, lease and other document to each party executing the document with reasonable promptness; or

"(11) Paying any profit, compensation, commission or fee to, or dividing any profit, compensation, commission or fee with, anyone other than a licensee or multiple listing service; or

"(12) Paying or receiving any rebate from any person in a real estate transaction; or

"(13) Inducing any party to a contract to break the contract for the purpose of substituting a new contract, where the substitution is motivated by the personal gain of the licensee; or

"(14) If the licensee is a salesman or associate broker, accepting a commission or other valuable consideration for performing any act for which a license is required from any person except his qualifying broker; or

"(15) If a qualifying broker or company, allowing a salesman or associate broker licensed under him to advertise himself as a real estate agent without the name or trade name of the qualifying broker or company appearing on the advertising in letters at least as large as the name of the salesman or associate broker; or if the licensee is a salesman or associate broker, advertising himself as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesman or associate broker is licensed appearing on the advertising in letters at least as large as the name of the salesman or associate broker; or

"(16) Presenting to the commission, as payment for a fee or fine, a check that is returned unpaid; or

"(17) Establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a licensee, or aiding or abetting or conspiring with a person to circumvent the requirements of this chapter; or

"(18) Failing to disclose to an owner the licensee's intention to acquire, directly or indirectly, an interest in property which he or his associates have been employed to sell; or

"(19) Violating or disregarding any provision of this chapter or any rule, regulation or order of the commission; or

"(20) If a broker, accepting a "net listing" agreement for sale of real property or any interest therein. A "net listing" is one that stipulates a net price to be received by the owner with the excess due to be received by the broker as his commission; or

"(21) Misrepresenting or failing to disclose to any lender, guaranteeing agency or any other interested party, the true terms of a sale of real estate; or

"(22) Failing to inform the buyer or seller at the time an offer is presented that he will be expected to pay certain closing costs and the approximate amount of those costs; or

"(23) a. Having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime involving moral turpitude; or

"b. Having a final money judgment rendered against him which results from an act or omission occurring in the pursuit of his real estate business or involves the goodwill of an existing real estate business; or

"(24) Using prizes, money, free gifts or other valuable consideration as inducements to:

"a. Secure customers to purchase, rent or lease property when the awarding of such prizes, money, free gifts or other valuable consideration is conditioned upon the purchase, rental or lease; or

"b. Secure clients to list properties with licensee;

"(25) Offering free lots or conducting lotteries for the purpose of influencing a party to purchase or lease real estate; or

"(26) Failing to include a fixed date of expiration in a written listing agreement or failing to leave a copy of the agreement with the principal; or

"(27) Conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness; or

"(28) Acting negligently or incompetently in performing an act for which a person is required to hold a real estate license; or

"(29) Failing or refusing on demand to produce a document, book, or record in his possession concerning a real estate transaction conducted by him for inspection by the commission or its authorized personnel or representative; or

"(30) Failing within a reasonable time to provide information requested by the commission during an investigation or after a formal complaint has been filed; or

"(31) Failing without cause to surrender to the rightful owner, on demand, a document or instrument coming into his possession; or

"(32) If a qualifying broker or company, failing to keep in their files copies of all contracts, leases, listings and other records pertinent to real estate transactions for a period of three years.

"(b) If it appears that a person, firm, corporation, or any business entity has engaged, or is about to engage, in an act or practice constituting a violation of a provision of article 1 or 2 of this chapter or any rule or order of the commission, the commission, through the attorney general, may institute legal actions to enjoin the act or practice and to enforce compliance with articles 1 and 2 of this chapter or any rule or order of the commission. To prevail in such action, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof."

"§34-27-66.

"(a) Any person desiring to act as a seller of vacation time-sharing plans shall file with the commission a written application upon such form as the commission shall designate and shall pass to the satisfaction of the commission the examination hereinafter prescribed.

"(b) Prerequisites for taking the vacation time-sharing sales examination are as follows:

"(1) Evidence satisfactory to the commission that the applicant bears a good reputation for honesty and truthfulness.

"(2) The applicant should not have been convicted of any criminal offense involving moral turpitude or of any felony in this or any other state.

"(3) The applicant must be ~~a permanent resident of Alabama~~ and at least 19 years of age.

"(4) The applicant must be a citizen of the United States or shall possess a certification of lawful permanent residence issued by the United States government.

"(c) The commission shall prepare and conduct an examination on the fundamentals of this article and related topics and shall schedule such examination at least quarterly. No applicant shall be entitled to examination unless all prerequisites enumerated above have been met as determined by the commission. The minimum passing grade shall be 70 percent.

"(d) Every applicant shall pay the sum of \$75.00 for each examination taken. Should an applicant be scheduled and issued a permit for an examination and fail to appear, the entire amount of the examination fee will be forfeited. Liability for forfeiture occurs at the time the examination permit is issued. The applicant shall be allowed up to 60 days after notice of passing the examination to either be designated as a qualifying broker or to secure a qualifying broker under whom to be licensed. In the alternative, the applicant may place his license on inactive status with the commission within the allotted 60-day period. Every applicant shall also pay a license fee of \$50.00 upon successful completion of the examination, provided he submits the license fee along with appropriate documentation to the commission within the allotted 60-day period. The 60-day period shall begin on the date which the results of the applicant's examination are made available to the applicant. The results shall be mailed from the commission office, and the applicant will be considered to have received such notification three days from the date of mailing. Should an applicant not become licensed within 60 days after receiving notification of his having passed the examination, he shall be required to again meet the requirements of an original applicant before becoming licensed, including the taking and passing of the examination. The commission shall be entitled to contract with any outside source to prepare and conduct vacation time-sharing sales examinations in its behalf and to pay for the reasonable cost thereof from the examination fees collected.

"(e) Vacation time-sharing sales licenses are due to be renewed annually on or before August 31, on a form prescribed by the commission. September 30 shall be the annual expiration date for such licenses. Any license renewed after August 31 and prior to January 1 of the following year shall be subject to a penalty fee of \$15.00 in addition to the annual license fee of \$50.00. On January 1 of the year following the expiration of a vacation time-sharing sales license, the license may no longer be renewed, and the former license holder shall be required to again meet the requirements of an original applicant before again becoming licensed, including the taking and passing of the license examination. Upon submission of a renewal request in such form as the commission shall prescribe and payment of a \$50.00 renewal fee, the commission shall issue the appropriate license.

"(f) The qualifying broker for a vacation time-sharing plan must meet all the general requirements for a time-sharing sales license and must have a current, active real estate broker's license issued under the Alabama real estate license law as well as a time-sharing sales license. If the qualifying broker is not licensed on active status with a real estate company, he may

place his real estate broker's license on active status in the name of the time-sharing plan.

"(g) Each qualifying broker shall have the duty and responsibility of supervising each seller licensed under him and insuring that every seller licensed under him, as well as the vacation time-sharing plan for which he is the qualifying broker, complies with the provisions of this chapter, and the broker shall be responsible to any injured party for actual damages caused to such party by any violation of this chapter by any vacation time-sharing plan or seller for whom he is acting as qualifying broker.

"(h) There shall be a license transfer fee of \$50.00 for any of the following: a change of qualifying broker; a change of name or address of the vacation time-sharing plan; a change of name of a licensee; a change of employment by a licensee; or the activation of an inactive license.

"(i) A representative of the vacation time-sharing plan authorized to do so may designate an office located off the site of the time-sharing project as a branch sales office of the vacation time-sharing plan provided that a qualifying broker is designated for each such branch sales office.

"(j) A real estate company licensed by the commission may act as an agent for the purpose of reselling time-shares for persons who each own no more than four unit weeks of a given time-sharing plan provided that the contract for such resale shall meet all the requirements of a contract for the initial sale of a vacation time-sharing interest, including the nonwaivable right of the purchaser to cancel the contract within the specified five-day period; and further provided that the qualifying broker for such real estate company be licensed as a time-share seller by the commission and that any sales agent of the company who participates in the sale of time-shares be licensed by the commission as a time-share seller.

"(k) No applicant to be a seller of vacation time-sharing plans shall be issued a license by the commission unless the applicant is designated as a qualifying broker by a representative of a vacation time-sharing plan or real estate company authorized to make such a designation, or unless the applicant is sponsored by a duly authorized qualifying broker who has signed a written statement accepting sponsorship of the applicant, or unless the applicant has his license issued on inactive status and maintained at the office of the commission.

"(l) No vacation time-sharing licensee shall perform any of the acts authorized by such license until the license certificate is in his actual possession, if the licensee is a qualifying broker, or in the possession of his sponsoring broker, if the licensee is not a qualifying broker.

"(m) A licensee may place his license on inactive status with the commission for a period of up to 24 consecutive months and may renew his license while it is on inactive status. No license which is on inactive status will be reactivated without the commission receiving evidence that the licensee's surety bond is in effect. Any license which has been on inactive status for longer than 24 consecutive months shall automatically expire as of the day following the 24-month period.

"(n) It shall be the duty of each licensee to notify the commission of any change of address, business or residential, within 30 days of such change."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Frazier, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Warren, White (G), White (L), Willis and Zoghby.

—61

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 322 as amended:

AMEND HOUSE BILL 322, ON PAGE 5, LINE 25 by adding the following sentence after the sentence ending with the word "thereafter":

At least one of the persons nominated for each commission seat shall not be a member of the said real estate society or trade association.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Frazier, Gaston, Goodwin, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Sanderford,

Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), Willis, Wright and Zoghby.

—67

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 322 as amended:

To amend H. B. 322 as follows:

On page 23, line 31, add a new Section 4 and renumber subsequent sections accordingly:

Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade."

MOTION TO TABLE LOST

The motion offered by Rep. Wright to table the amendment offered by Rep. Holmes to the bill, H. 322 as amended, was lost.

Yeas 31; Nays 36.

Yeas:

Mr. Speaker, Adams, Biddle, Breedlove, Brooks, Burke, Butler, Carothers, Carter, Curry, Gaston, Harvey, Headley, Hill, Hooper, Johnson (RW), Kvalheim, Lindsey, Logan, Mathis, McDowell, McKee, Payne, Penry, Richardson, Rogers, Sanderford, Slaughter, Turnham, White (G) and Zoghby.

—31

Nays:

Reps. Beasley, Black, Blake, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Cosby, Escott, Freeman, Goodwin, Gray, Hamilton, Haynes, Hogan, Holmes, Johnson (RG), Kennedy, Marietta, Marks, McClain, Moon, Newton (D), Parker, Perdue, Rains, Spratt, Starkey, Thomas, Warren, White (F), White (L), Williams, Willis and Wright.

—36

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holmes to the bill, H. 322 as amended, and the amendment was adopted.

Yeas 60; Nays 9.

Yeas:

Reps. Adams, Beasley, Black, Blake, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Cosby, Crow, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, Newton (C), Newton (D), Parker, Perdue, Poole, Rains, Richardson,

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Sanderford, Spratt, Starkey, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—60

Nays:

Mr. Speaker, Higginbotham, Johnson (RW), McKee, Payne, Slaughter, Thomas, Turnham and Wright.

—9

SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the bill, H. 322 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Sunset Law; to continue the Real Estate Commission as provided in sections 34-27-1 through 34-27-69, Code of Alabama 1975, and the legislature's concurrence thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Sunset Committee hereby recommends the continuance of the Real Estate Commission functioning pursuant to sections 34-27-1 through 34-27-69, Code of Alabama 1975.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Knight, the substitute offered by Rep. Laird to the bill, H. 322 as amended, was tabled.

Yeas 44; Nays 33.

Yeas:

Reps. Beasley, Black, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Curry, Davis, Escott, Fuller, Gaston, Haynes, Hill, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Mathis, McClain, McDowell, Mikell, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (L) and Zoghby.

—44

Nays:

Mr. Speaker, Adams, Biddle, Blake, Brooks, Butler, Coburn, Cosby, Crow, Dillard, Freeman, Gray, Grouby, Hall, Hamilton, Higginbotham, Hogan, Johnson (RW), Laird, Layson, Lindsey, Marks, McKee, McMillan, Moon,

Newton (C), Petelos, Richardson, Sanderford, Turnham, Williams, Willis and Wright.

—33

And the bill, H. 322 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Escott, Frazier, Fuller, Gaston, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby

—76

Nays: Reps. Dillard and Walker.

—2

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 318. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, so as to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to authorize the board to levy and collect administrative fines and institute legal proceedings in order to discipline its licensees; and to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

TOMMY CARTER,
Chairman.

And the bill, H. 318 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 319. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to

amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide further for reciprocity for licensees from out-of-state; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions; and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

TOMMY CARTER,
Chairman.

And the bill, H. 319 as engrossed, was ordered sent to the Senate.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 323, was adopted.

Yeas 64; Nays 3.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Escott, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—64

Nays: Reps. Coburn, Dillard and Hamilton.

—3

And the bill:

H. 323. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-2, 34-14-4, 34-14-5, 34-14-6, 34-14-7, 34-14-9, 34-14-10, 34-14-11, 34-14-30, and 34-14-31, Code of Alabama 1975, so as to prohibit practice of hearing aid dealers during grace period for license renewal; to specify the state board of health shall receive certain lists and statements; to specify the board determines qualifications of applicants for licensure; to remove specific examination subjects and allow a national examination; to require a continuing education program by the board by October 1, 1991; to phase out temporary licenses over an 18-month period; to specify certain disciplinary powers of the state board of health and to authorize administrative fines, and the institution of legal proceedings; to require a doctor's examination six months prior to hearing aid fitting for persons under age 18; to specify the state board of health's

powers of revocation and suspension of licenses; to provide a consumer member of the board; and to authorize the board to adopt rules relating to adequacy of qualifications of applicants for licensure and for their examination.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 323, page 7, line 15, after the word "board" by adding the following: investigates and

Further amend H. B. 323, page 11, lines 7 & 8, by striking the following: ~~which define and regulate the ethical conduct of its licensees, and~~ and inserting in lieu thereof the following: necessary to carry out the provisions of this chapter and to establish consumer protection provisions, provisions for prohibited practices and requirements for businesses.

Further amend H. B. 323 on page 12, line 25, by deleting subsection (b) in its entirety.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Escott, Fuller, Gaston, Goodwin, Grouby, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—70

MOTION TO ADJOURN LOST

The motion made by Rep. Dillard that the House adjourn until 10:00 o'clock a.m., Thursday March 9, 1989, was lost.

Yeas 24; Nays 51.

Yeas:

Reps. Adams, Biddle, Black, Blake, Blakeney, Breedlove, Butler, Coburn, Cosby, Davis, Dillard, Frazier, Grouby, Hogan, Holmes, Laird, Lindsey, McKee, Sanderford, Thomas, Turner, Walker, Warren and Williams.

—24

Nays:

Mr. Speaker, Beasley, Beers, Box, Brooks, Bryant, Burke, Buskey (JE), Carothers, Clark (W), Curry, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Haynes, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW),

Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Slaughter, Starkey, Turnham, White (F), White (G), White (L) and Willis.

—51

H. 323 RESUMED
SUBSTITUTE OFFERED

Rep. Adams offered the following substitute to the bill, H. 323 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Sunset Law; to continue the Hearing Aid Dealers Board as provided in sections 34-14-1 through 34-14-33, Code of Alabama 1975, and the legislature's concurrence thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Sunset Committee hereby recommends the continuance of the Hearing Aid Dealers Board functioning pursuant to sections 34-14-1 through 34-14-33, Code of Alabama 1975.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Buskey (JL) to table the substitute offered by Rep. Adams to the bill, H. 323 as amended, was lost:

Yeas 30; Nays 38.

Yeas:

Reps. Beasley, Black, Box, Bryant, Buskey (JE), Carothers, Clark (W), Curry, Davis, Escott, Fuller, Hill, Hogan, Holmes, Kennedy, Knight, Kvalheim, Logan, Marietta, Mathis, McDowell, Payne, Penry, Rains, Slaughter, Spratt, Thomas, Warren, White (L) and Zoghby.

—30

Nays:

Mr. Speaker, Adams, Biddle, Blake, Brooks, Burke, Butler, Coburn, Cosby, Crow, Dillard, Freeman, Gaston, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Holley, Hooper, Johnson (RG), Laird, Layson, Marks, McKee, McMillan, Moon, Newton (C), Parker, Poole, Sanderford, Starkey, Turner, Turnham, Walker, White (F), Williams and Willis.

—38

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Knight to indefinitely postpone the substitute offered by Rep. Adams to the bill, H. 323 as amended, was lost.

Yeas 36; Nays 39.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Clark (W), Cosby, Curry, Escott, Fuller, Harper, Haynes, Hill, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Mikell, Payne, Penry, Rains, Slaughter, Spratt, Starkey, Thomas, Warren, White (L), Williams and Zoghby.

—36

Nays:

Reps. Adams, Beers, Biddle, Brooks, Burke, Butler, Campbell, Coburn, Crow, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Laird, Marks, Mathis, McKee, McMillan Moon, Newton (C), Parker, Poole, Richardson, Sanderford, Turner, Turnham, Walker, White (F), White (G) and Willis.

—39

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Adams to the bill, H. 323 as amended, and the substitute was adopted.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Brooks, Bugg, Burke, Butler, Carothers, Carter, Coburn, Cosby, Crow, Dillard, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Laird, Marks, Mathis, McKee, McMillan, Moon, Newton (C), Payne, Penry, Poole, Richardson, Sanderford, Starkey, Turner, Turnham, Walker, White (F), White (G), White (L), Williams and Willis.

—53

Nays:

Reps. Black, Box, Bryant, Buskey (JE), Curry, Escott, Fuller, Holmes, Knight, Logan, Marietta, Mikell, Parker, Rains, Slaughter, Spratt, Thomas, Warren and Zoghby.

—19

And the bill:

H. 323. Relating to the Sunset Law; to continue the Hearing Aid Dealers Board as provided in sections 34-14-1 through 34-14-33, Code of Alabama 1975, and the legislature's concurrence thereof.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler,

Carothers, Carter, Coburn, Cosby, Crow, Dillard, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—70

Nays: Reps. Curry, Knight and Rains.

—3

H. 321 AGAIN TAKEN UP
SUBSTITUTE WITHDRAWN

At the request of Rep. Buskey (JL), the substitute to the bill, H. 321, previously offered by him, was withdrawn.

SUBSTITUTE OFFERED

Rep. White (F) offered the following substitute to the bill, H. 321:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Sunset Law; to continue the Plumbers and Gas Fitters Board as provided in sections 34-37-1 through 34-37-18, Code of Alabama 1975, and the legislature's concurrence thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Sunset Committee hereby recommends the continuance of the Plumbers and Gas Fitters Board, functioning pursuant to sections 34-37-1 through 34-37-18, Code of Alabama 1975.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Buskey (JL), the substitute offered by Rep. White (F) to the bill, H. 321, was tabled.

Yeas 36; Nays 29.

Yeas:

Reps. Beasley, Beers, Box, Breedlove, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (W), Cosby, Crow, Curry, Escott, Fuller, Gaston, Haynes, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Logan, Marietta, McMillan, Payne, Penry, Poole, Rains, Sanderford, Slaughter, Spratt, Thomas, Warren, Willis and Zoghby.

—36

Nays:

Reps. Adams, Biddle, Blake, Brooks, Coburn, Dillard, Freeman, Hall, Hamilton, Harvey, Higginbotham, Holley, Hooper, Johnson (RW), Marks, Mathis,

McKee, Moon, Newton (C), Parker, Richardson, Starkey, Turner, Turnham, Walker, White (F), White (G), White (L) and Williams.

—29

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 321:

Amend House Bill 321, Page 3, Section 3, by deleting subsection (c) in its entirety.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:50 P.M. on March 7, 1989.

H. J. R. 88	H. J. R. 153
H. J. R. 89	H. J. R. 154
H. J. R. 156	H. J. R. 155
H. J. R. 157	H. J. R. 133
H. J. R. 158	H. J. R. 135
H. J. R. 161	H. J. R. 136
H. J. R. 165	H. J. R. 137
H. J. R. 147	H. J. R. 138
H. J. R. 152	H. J. R. 145

Delivered to the Governor at 2:07 P.M. on March 7, 1989.

H. J. R. 87

Delivered to the Governor at 3:54 P.M. on March 7, 1989.

H. J. R. 168	H. J. R. 186
H. J. R. 170	H. J. R. 187
H. J. R. 171	H. J. R. 188
H. J. R. 177	H. J. R. 189
H. J. R. 180	H. J. R. 190
H. J. R. 181	H. J. R. 191
H. J. R. 182	H. J. R. 192
H. J. R. 183	H. J. R. 193

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H. J. R. 184

H. 480

H. J. R. 185

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Haynes, the House adjourned until 10:00 o'clock a.m., Thursday, March 9, 1989.

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 9, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Ernest Dillard of Lawrence County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Eddie Key of Walker County.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 323. Relating to the Sunset Law; to continue the Hearing Aid Dealers Board as provided in sections 34-14-1 through 34-14-33, Code of Alabama 1975, and the legislature's concurrence thereof.

TOMMY CARTER,
Chairman.

And the bill, H. 323 as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 315. To amend Code of Alabama 1975, §§ 34-24-120, 34-24-121, 34-24-122 and 34-24-123 relating to the practice of chiropractic; to amend Code of Alabama 1975, §§ 34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144 and 34-24-145 relating to the Alabama State Board of Chiropractic Examiners; to amend Code of Alabama 1975; §§ 34-24-160, 34-24-161, 34-24-163, 34-24-164 and 34-24-165 relating to licensure of chiropractors; to amend Code of Alabama 1975, §§ 34-24-166, 34-24-167, 34-24-168 and 34-24-170 relating to refusal, revocation or suspension of licenses, notice and conduct of hearings in contested cases, costs; to amend Code of Alabama 1975, § 34-24-172 relating to issuance of licenses after revocation or refusal; to prescribe rules of evidence in contested cases; to prescribe form and content of final orders in contested cases; to prescribe procedure for appeal from final decision in a contested case, and judicial review; to provide for reinstatement of lapsed license to practice chiropractic; and to repeal Code of Alabama 1975, §§ 34-24-162, 34-24-169 and 34-24-171. § 34-24-121 is amended to provide further for the advertising by chiropractors.

TOMMY CARTER,
Chairman.

And the bill, H. 315 as engrossed, was ordered sent to the Senate.

MOTION IN WRITING

Rep. Adams filed the following Motion in Writing:

Having voted on the prevailing side whereby H. B. 323 was passed I move to reconsider said bill.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Warren, the rules were suspended in order to receive the reports of the Standing Committees and the call of Districts for the introduction of bills and resolutions.

LEAVE OF ABSENCE

At the request of Rep. McDowell, leave of absence was granted for Rep. McClain.

At the request of Rep. Butler, leave of absence was granted for Reps. Grayson and Seibels.

BILLS ON SECOND READING

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 628. To amend Section 40-24-3, Code of Alabama 1975, to delete an archaic requirement that certain records of securities subject to privilege or license tax must be hand recorded in bound volumes and to permit the department of revenue to use state of the art electronic recording systems to maintain records necessary to administer this section of the revenue code.

H. 591. To provide for the publishing of the annual annotated cumulative supplements and other upkeep services to the Code of Alabama 1975, and any subsequent editions, and for the sale of any said Code and such upkeep services, under the supervision and direction of the Legislative Council; and to authorize the Governor, from time to time, to enter into a contract for the performance of such services.

H. 560. Relating to right-of-way boundaries of highways and the regulation of comfort or convenience benches or seating, with or without advertising, so as to provide further therefor; and exemptions.

S. 27. To amend section 39-1-1, Code of Alabama 1975, which requires bonds from persons contracting with the state or political subdivisions thereof for public works, so as to alter said bonding requirements.

S. 189. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 636. To amend Sections 2-15-62, 2-15-63, 2-15-66, 2-15-71, 2-15-90, 2-15-91 and 2-15-93, Code of Alabama 1975, relating to livestock markets, so as to increase the permit fees and market bonds, to provide further for the purchasing at livestock markets, and to provide further for the permits and bonds of persons who weigh livestock at markets.

S. 69. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended,

relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

S. 59. To amend Section 9-11-237, Code of Alabama 1975, as last amended, relating to the sale, barter, exchange, and purchase of game birds or animals or parts thereof, so as to permit the sale, purchase, barter or exchange for value, of certain untanned deer hides and hooves and certain finished product items.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 321. To require county governing bodies to establish precincts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than June 1, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts to the probate judge, board of registrars and the Joint Legislative Task Force on Reapportionment; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections as may be supplemented by the provisions of any local election laws or by the electronic vote counting statutes; to provide for the posting of boundaries of precincts and voting places and for the changing of precinct boundaries and changes in places of voting; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county and state agencies and officials with the Reapportionment Task Force; to prescribe penalty for failure to comply with this act; to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective June 1, 1989; and to state specifically that the provisions of this act shall have no effect on the conduct of municipal elections or on the general or local municipal election statutes in this state.

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 256. (With Amendments): To further provide for the composition of elected county boards of education and elected city boards of education,

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so as to require five or more districts; amending Sections 16-8-1 and 16-11-2, Code of Alabama 1975, as amended, relating respectively to the composition of such elected board, so as to further provide therefor.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 665. (With Amendments): To provide for the regulation of wastewater treatment utilities by the public service commission; to provide for inspection and supervision fees relating to such regulation; and to provide penalties for violations of this act.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 666. (With Amendment): To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 667. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

H. 668. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of inspection and supervision fees of utilities collected thereunder.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 370. To further reapportion House District 94 and House District 95 of the Alabama Legislature based upon the 1980 census.

H. 372. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 453. (With Amendment): To provide that any Class 1, 2, or 3 municipality that owns a civic center, or any public corporation that owns

a civic center located within a Class 1, 2, or 3 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 539. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

H. 509. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on hazardous waste and hazardous substances disposed of in Pickens County.

The above bill was read a second time at length as required by the Constitution.

H. 602. To amend Sections 34-17-7, 34-17-21, 34-17-24, 34-17-25, and 34-17-26, Code of Alabama 1975, relating to landscape architecture, so as to provide that district attorneys shall be responsible for collecting certain fines and prosecuting certain violators, to provide further for the time when evidence of certain qualifications shall be submitted, to provide further for a penalty for late payment of fees, to provide further for delinquent annual fees, to provide that the board shall establish and prescribe fees for certain services and to provide for temporary licensing in certain situations and pursuant to certain requirements.

Rep. Britnell, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 19. To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

S. 259. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

Rep. Britnell, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 37. (With Amendment): To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 340. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

H. 389. Relating to Cullman County, prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

H. 603. Relating to Limestone County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

The above bill was read a second time at length as required by the Constitution.

H. 672. Relating to Walker County; to charge each constable with the duty of enforcing all litter laws within his precinct.

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

H. 674. Relating to Blount County; to amend Section 12 of Act No. 57 of the 1956 Regular Session (Acts 1956, p. 86) relating to levying a tax on gasoline, kerosene and diesel fuel so as to provide further for distribution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 685. (With Amendment): Relating to Perry County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 689. Pertaining to Jackson County, to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative

purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Jackson County Work Release and Pretrial Release Fund; to set standards for judicial officers in said county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Jackson County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Jackson County Work Release and Pretrial Release Commission; to provide for the membership of said commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pretrial release and work release programs in Jackson County; and to repeal conflicting laws.

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contracts.

H. 699. Relating to Chambers County; to abolish the office of constable therein.

H. 700. Relating to Chambers County; to provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of such county.

H. 702. Relating to Russell County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; and expressing legislative intent regarding said contracts.

H. 703. Relating to Russell County; levying a lodging tax; and providing for the collection and distribution of said tax.

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

H. 705. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and the Tuscaloosa County Commission; to provide further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 51. (With Substitute): Relating to encouraging economic development for airports in this state; to provide a special grant and loan program through a special fund in the state treasury, and to annually make appropriations to said fund, to airports and airport authorities of this state; to provide that the department of economic and community affairs (ADECA) and the aeronautics department (department) shall jointly administer such program; to adopt administrative rules to implement the act; to establish criteria and guidelines for grants and loans; to encourage and foster public-private cooperation and to state certain primary goals and considerations of the program.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 682. To amend Sections 16-16-3, 16-16-4, 16-16-6, and 16-16-9, Code of Alabama 1975, which provide for the membership and duties of the Alabama Public School and College Authority, so as to increase said membership and provide further for the duties of the Authority.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 448. (With Amendment): To repeal §§40-1-11 & 12, Code of Alabama 1975, providing for a procedure for payment of taxes under protest and recovery of same. The procedure has been replaced with administrative appeals provisions pertaining to petitions for refund and assessments.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 475. (With Substitute) (With Amendment): To amend Section 40-29-23 and Section 40-29-26, Code of Alabama 1975, so as to repeal the limitations on the department of revenue to seize and sell property to collect final assessments of taxes due in lieu of levy by a sheriff; to eliminate need to obtain a court order in jeopardy tax assessments; to clarify provisions for sale of seized property; and to clarify procedure for appeals of final assessments by amending Section 40-2-22, Code of Alabama, 1975, to allow a taxpayer to appeal without paying the taxes in full or posting a supersedeas bond if his net worth is less than \$20,000.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 545. (With Substitute): To create and establish the Alabama School of Math and Science; to provide for legislative intent; definitions; board of

directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 530. (With Amendment): To implement House Bill 387 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 614. (With Substitute): To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

H. 464. (With Substitute): To amend Section 40-18-45, Code of Alabama 1975, to amend the time period of assessment and collection of income taxes imposed by Title 40 in those cases where changes to federal income tax pertain to the Alabama income tax return; and provides that adoption is contingent upon the passage of two additional designated legislative bills.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, they were severally read a second time and placed on the Calendar, to-wit:

H. 48. (With Amendment): Relating to aviation and airport zoning in Alabama; to amend Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7 and 4-6-8, Code of Alabama 1975, so as to: expand the short title, the definitions and statements of declared public purpose to include compatible land use regulations as a function of airport zoning in Alabama; to provide further for the adoption of hazard and compatible land use standards and ordinances by counties and municipalities, and for the enforcement of such ordinances; to provide further for the procedures by which counties and municipalities adopt zoning regulations; to redefine reasonableness of standards for adoption of regulations; and to provide further for variances to limit liabilities to persons receiving variances.

H. 50. (With Amendment): To amend sections 4-3-45, 4-3-47 and 4-2-9, Code of Alabama 1975, which relate to airport authorities and airport safety; so as to: provide that the governor appoints members of an airport authority board of directors if the state is the sole or primary authorizing agency; to provide further for the powers of airport authorities under section 4-3-47; to authorize airport authorities created pursuant to other legislative acts to adopt powers enumerated in section 4-3-47; and to prohibit hunting or discharge of firearms on or near any airport facility or aircraft.

H. 476. (With Amendment): To amend Sections 40-18-19 and 40-18-20, Code of Alabama 1975, so as to exempt from state individual income

tax all payments made under any private pension plan and military retirement programs; to provide for statutory rulemaking authority for departmental administration of the proposed exemption; and to provide for an effective date with the qualifying restriction that three additional designated bills must pass in order to offset the revenue loss from exempting pension income.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, they were severally read a second time and placed on the Calendar, to-wit:

H. 473. (With Substitute): To amend Section 40-2-11, Code of Alabama 1975, to require the Revenue Department to make regulations for payment of a fee to banks for documents copied and produced and to require banks to disclose all relevant documents in its possession. The procedure for enforcing the obedience to a subpoena issued by the Department of Revenue is clarified. The Department is authorized to obtain an injunction prohibiting a taxpayer from doing business in Alabama for violation of any tax provisions. The Department is authorized to purchase property at a sheriff's sale when such property was levied upon to collect a tax judgment. The Department is authorized to promulgate rules and regulations for all taxes where specific authority is not otherwise given.

H. 459. (With Substitute): To permit the commissioner of revenue to issue, within his discretion, revenue rulings pertaining to interpretation and application of the tax laws administered by the department of revenue.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 33. To authorize and provide the procedure for members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for members of the legislature and their dependents; to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

H. 392. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, regarding certain homestead exemptions for persons who are over 65 years of age, blind or disabled; so as to remove the requirement of annually claiming such exemptions, retroactive to October 1, 1988.

H. 498. To provide for a cost-of-living increase to each pensioner, annuitant and retiree of any retirement plan other than the Employees' Retirement System whose retirement is based upon service to an employer participating in the Employees' Retirement System under Section 36-27-6, Code of Alabama 1975, and whose effective date of retirement is prior to October 1, 1987; to provide for a cost-of-living increase to each pensioner whose retirement is based upon service to an employer participating in the Employees' Retirement System under Section 36-27-6, Code of Alabama 1975, but who retired prior to such employer's participation in said System, and who receives a monthly allowance from the Employees' Retirement System; to provide that no person shall be entitled to the increased benefits provided in this act unless his employer elects to come under its provisions; and to provide that the provisions of this act shall be retroactive to October 1, 1988.

H. 594. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

The above bill was read a second time at length as required by the Constitution.

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 652. (With Substitute): To authorize the Alabama Public School and College Authority to sell and issue three hundred million dollars (\$300,000,000) aggregate principal amount of additional bonds for capital improvements for educational purposes, including libraries, laboratories and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. Relating to the distribution of certain monies received by Escambia County from severance and privilege tax on oil and gas; amending further section 1 of Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, p. 215), relating to the payment, use and distribution of net

monies received by the county from such tax, so as to further define the provision in the Code of Alabama 1975, which authorizes the distribution of such monies to the county; providing for the distribution of monies previously received by Escambia County from such tax under general law pursuant to section 4 of the said Act No. 82-744; and amending section 4 of said Act No. 82-744 so as to provide that the monies received by Escambia County under such section after the effective date of this amendatory act shall be deposited in the general fund of the county.

H. 691. Providing that the district attorney of the twenty-first judicial circuit shall be reimbursed for certain contributions such district attorney is required to make under Act No. 88-921, S. 99 of the First Special Session of the Legislature in 1988.

H. 692. Relating to Escambia County, establishing the office of Chairman of the Escambia County Commission, requiring that the person elected to serve as such chairman serve full time, providing for the compensation of the Chairman of the Escambia County Commission and providing for retroactive effect.

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

H. 662. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

H. 721. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 and Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Marietta:

H. 727. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax proceeds and the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

Committee on Ways and Means.

By Rep. Marietta:

H. 728. To amend Section 9-17-3, Code of Alabama 1975, which relates to the state oil and gas board, to provide that each member of the state oil and gas board shall be entitled to an expense allowance of \$500.00 per month.

Committee on Oil and Gas.

By Rep. Newman (With Notice and Proof):

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions

respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 729, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newman (With Notice and Proof):

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 730, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Williams, Layson, Mikell, Grouby, Holley, Laird, Richardson, Parker, White (L), and Hall:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

Committee on State Administration.

By Rep. Thomas (With Notice and Proof):

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Mikell, Johnson (RW), Turnham, Fuller, and McKee:

H. 733. Relating to the surface mining of minerals other than coal, limestone, marble, dolomite and chert; to amend sections 9-16-5, 9-16-7, 9-16-8 and 9-16-12 of the Code of Alabama 1975, so as to grant authority to the department of industrial relations to prescribe the information submitted by applicants seeking permits to engage in surface mining operations; to increase the cost of permitting a surface mining operation by a certain additional acreage fee for each area or fraction thereof to be mined under the permit; to establish grounds for denial of permit applications; to modify the manner in which lands affected by surface mining are graded after mining; to raise the penal amount of bonds required to be posted by operators by a certain amount per acre; to allow inspections and bond releases to be carried out by persons other than registered foresters as of October 1, 1989; to provide that the payment of fees, the recovery of civil penalties and appropriations by the legislature be placed in an open account designated as the Alabama nonfuel minerals surface mining fund, to be available to the department of industrial relations for administration and enforcement of this act; to make a certain appropriation to the Alabama nonfuel minerals surface mining fund to administer certain provisions of chapter 16 of Title 9 of the Code of Alabama 1975; and to provide that this act shall become effective October 1, 1989.

Committee on Ways and Means.

By Rep. Layson:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, et seq., Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

Committee on Ways and Means.

By Rep. Logan:

H. 735. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the Board; to provide for the administration of said fund; to provide for issuance

and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Committee on Health.

By Rep. Johnson (RG):

H. 736. To provide that full-time employees and executive officers of the Alabama Peace Officers Association may elect to become members of the Teachers' Retirement System of Alabama; to provide that said entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for purchase of certain previous service credit in such system.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Payne:

H. 738. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed an aggregate total of \$20,000,000, exclusive of temporary obligations and refunding bonds; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services to carry out its statutory purposes or to others; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and

shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers and expenses; and to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Committee on Ways and Means.

By Rep. Hammett (With Notice and Proof):

H. 739. Relating to Covington County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any services because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 739, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gaston:

H. 740. To amend Section 9-12-93, Code of Alabama 1975, as last amended by Act No. 88-577, 1988 Regular Session, relating to a license fee for boats used for taking or carrying shrimp, so as to exempt persons 65 years of age or over using a boat to fish for shrimp for bait for noncommercial purposes.

Committee on Ways and Means.

By Rep. Gaston:

H. 741. To provide for the regulation of vicious dogs; to define certain terms; to require for the registration and control of vicious dogs; to provide for certain exemptions; and to provide for penalties.

Committee on Judiciary.

By Rep. Butler:

H. 742. To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Committee on Judiciary.

By Rep. Buskey (JL):

H. 743. To make an appropriation to Montgomery AIDS Outreach from the Alabama Special Educational Trust Fund in the amount of \$25,000 for the 1989-90 fiscal year for AIDS prevention education and to require a financial statement and audit of expenditures.

Committee on Ways and Means.

By Rep. Starkey (With Notice and Proof):

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 744, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Breedlove:

H. 745. To amend Sections 39-1-1, 39-2-2, 39-2-3, 39-2-5, and 39-2-10, Code of Alabama 1975, relating to bond and other requirements for public works, so as to allow treasury bonds, treasury bills, treasury certificates of deposit, certified check or other good and sufficient security to be used in lieu of a bond for contracts under \$20,000.00 in amount; to increase the bid amount requiring formal advertising; to increase proposal fees; to extend the periods of time within which bids must be returned if the awards are deferred; to extend the period of time allowed for approval of the bond and execution of the contract; and to extend the period of time allowed for a proceed order.

Committee on Banking.

By Rep. Knight:

H. 746. Relating to health care; to establish the Consumer Health Care Freedom of Choice Act to allow certain health insurers to negotiate and enter into contracts for its insureds, including charges and utilization of services and incentives; to establish certain basic regulations which managed health care programs (Health Maintenance Organizations, Preferred Provider Organizations, etc.) must meet; to direct the commissioner of insurance not to promulgate any rule or regulation contrary to the provisions of this act.

Committee on Insurance.

By Reps. Butler, Grouby, Hall, Freeman, Carter, Brooks, Harvey, Marks, and Richardson:

H. 747. To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

Committee on State Administration.

By Reps. Rains, Payne, and Poole:

H. 748. To impose a \$25.00 fee upon each abortion clinic, hospital or other institution or agency performing abortions for each abortion performed with the revenue derived therefrom to be deposited in the state general fund to be used for the Adolescent Pregnancy Prevention Program in the Bureau of Family Health Services in the Department of Public Health; to provide that the business establishment shall pay the said fee and not the person on whom the abortion was performed; and to provide that the price charged

for an abortion shall not be increased for a period of two years; and that such business establishment's books and records shall be open for inspection by the department of revenue to enforce the provisions of this act.

Committee on Health.

By Rep. Slaughter:

H. 749. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

Committee on Ways and Means.

By Rep. Haynes:

H. 750. To amend Section 22-21-265 of the Code of Alabama 1975, relating to certificate of need requirements for new health services and facilities, so as to exempt home health care services from such requirements.

Committee on Health.

By Rep. Biddle (With Notice and Proof):

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Slaughter:

H. 752. To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

Committee on Judiciary.

By Rep. Holmes:

H. 753. To place all employees of the Senate, the House of Representatives, the Legislative Reference Service and the Legislative Fiscal Office under the State Merit System with the exception of the Secretary of the Senate who shall be appointed by the Senate, the Clerk of the House who shall be appointed by the House of Representatives, and the directors of the

Fiscal Office and the Reference Service who shall be appointed jointly by the Senate and the House of Representatives, effective October 1, 1988.

Committee on Judiciary.

By Rep. Penry:

H. 754. To provide for and require a "commercial party boat license" for certain fishing boats; to provide that persons fishing on said boats may do so and may land certain fish, without a fishing license; to provide for the application for and issuance of said licenses; to prohibit the transfer of, borrowing of, lending of or alteration of, said licenses; to prohibit the back-dating of said licenses; to provide for an annual expiration date for said licenses; to provide penalties for the violation of this act; to provide for the remittance of and use of license revenues; and to provide for an effective date of this act.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Holley, Fuller, Box, Higginbotham, Petelos, Marks, Beasley, Haynes, Johnson (RW), Johnson (RG), Blakeney, White (L), Laird, Hammett, Campbell, Slaughter, and Breedlove:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 USC 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority

Committee on Judiciary.

By Reps. Marks, Ford, and Carter:

H. 756. To amend Sections 36-27-80 through 36-27-82, Code of Alabama 1975, providing for a cost-of-living increase to certain retirees who retired under the employees' retirement system prior to October 1, 1987, so as to provide the same increase to those who retired prior to October 1, 1988, and to provide that this amendatory act shall be retroactive to October 1, 1988.

Committee on Ways and Means.

By Reps. Freeman and Hall:

H. 757. To exempt the Alliance for the Mentally Ill of Huntsville from the payment of all state, county and municipal taxes.

Committee on Ways and Means.

By Reps. Haynes and Johnson (RG):

H. 758. To make an appropriation in the amount of \$250,000 from the Departmental Emergency Fund to the Emergency Management Agency to

be disbursed to the City of Talladega, in Talladega County, for general repairs caused by a tornado, and to require an operations plan prior to release of any funds.

Committee on State Administration.

By Reps. Venable, Coburn, Laird, Adams, Brooks, Biddle, Rains, Freeman, Moon, Butler, McKee, Lindsey, Richardson, Bugg, Newman, and Sanderford:

H. 759. To amend further Sections 41-20-2, 41-20-5, 41-20-10 and 41-20-11, Code of Alabama 1975, as amended, which relate to the termination or continuance of enumerated and nonenumerated state agencies pursuant to the state sunset law; so as to provide that the sunset committee shall be limited to recommendations and reporting of bills that either continue or terminate said agencies.

Committee on Constitution and Elections.

By Rep. Zoghby:

H. 760. To amend Section 11-10-2, Code of Alabama 1975, which provides for the amount of temporary loans that county commissions may make in anticipation of the collection of taxes, so as to provide that such loans shall not be in an amount greater than \$2,500,000 per year for counties having a population of 175,000 inhabitants or more.

Committee on Local Government.

By Reps. Buskey (JL), Fuller, McClain, Willis, Mathis, Beasley, Thomas, Grouby, Bryant, Johnson (RG), Johnson (RW), and Bugg:

H. 761. To expand the Low Income Home and Energy Assistance Program (LIHEAP) to more poor families.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Reps. McMillan, Penry, Warren, and White (F):

H. J. R. 199. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO SEEK THE ESTABLISHMENT OF A JOINT WATER RESOURCES COORDINATING COUNCIL WITH THE STATE OF FLORIDA.

WHEREAS, the State of Florida has declared through the enactment of the Florida Water Resources Act that the waters in the state are among its basic resources and that it is the duty of the state to enhance the environmental and scenic value of surface waters; and

WHEREAS, the State of Alabama created the Environmental Planning Council in 1986 and recognized the importance of its water resources; and

WHEREAS, the State of Alabama further acknowledges the need to conserve, protect, and manage the ground waters and surface waters of the state by directing the Environmental Planning Council to develop a long-range environmental plan for the state; and

WHEREAS, the Perdido River and Perdido Bay systems are contiguous to the states of Alabama and Florida, and that joint scientific studies of these waters are in progress; and

WHEREAS, joint cooperative efforts of the states of Florida and Alabama are essential for the effective maintenance of the quality of these and other waters of mutual concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby urge that the Alabama Department of Environmental Management seek the establishment of a joint water resources coordinating council with the State of Florida to review, advise on and coordinate all programs relating to the Perdido River and Perdido Bay systems and other interstate water bodies of mutual concern and direct that a copy of this resolution be sent to the Department.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 199, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Warren:

H. R. 200. COMMENDING SCOTT ETHERIDGE AND ANTHONY HARPER.

Also:

The following resolutions were introduced:

By Rep. Dillard:

H. J. R. 201. CONGRATULATING COURTLAND HIGH SCHOOL ON THE 1988 CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Courtland High School Chiefs on their capture of the 1988 Class 1A State Football Championship; and

WHEREAS, under the leadership of Coach Louis White and his able staff of assistants, the mighty Chiefs fought their way to an 11-2 season record, claiming the state title with a thrilling 22-21 victory over Billingsley in the championship game; and

WHEREAS, Coach White and his entire staff are indeed deserving of highest praise as this team lost its first two games and then won eleven in a row as each and every member of the team displayed a relentless will-to-win that resulted in the glory of a state championship for their team and for their many fans throughout Lawrence County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Courtland High School on its 1988 Class 1A State Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach White, on behalf of his staff and team, and to the school's principal for appropriate display at Courtland High School.

On motion of Rep. Dillard, the rules were suspended and the resolution, H. J. R. 201, was adopted.

Also:

By Rep. Mathis:

H. J. R. 202. COMMENDING MR. J. B. PURVIS ON HIS DISTINGUISHED CAREER.

WHEREAS, Mr. J. B. Purvis, Executive Vice President of the Citizens Bank of Geneva, retired on March 1, 1989, after a distinguished banking career spanning over one-half of a century; and

WHEREAS, Mr. Purvis began his career with the Citizens Bank in 1928 as a stenographer and advanced to his present prominent position through diligence, dedication and devotion to his company, co-employees and community; and

WHEREAS, Jake Purvis has been a dedicated community builder who has served his people with great love and endearment; and

WHEREAS, Mr. Purvis and his lovely wife, Merle, are a shining example of love and devotion, a team who struggled to insure that their children would receive a quality college education and an opportunity to pursue the same successes of life so ably achieved by their parents; and

WHEREAS, J. B. Purvis' enthusiasm for his work, his civic contributions to his city, county and state and his wit and personal charm have endeared him to all who have known him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation to Mr. J. B. Purvis on the occasion of his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Purvis that he may know of our admiration of his many accomplishments and of our best wishes for future health and happiness.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 202, was adopted.

Also:

By Rep. Dillard:

H. J. R. 203. CONGRATULATING HAZLEWOOD HIGH SCHOOL OF TOWN CREEK, ALABAMA, ON THE 1988 CLASS 2A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama extends heartiest congratulations to Hazlewood High School's Golden Bears on their 1988 Class 2A State Football Championship which is the sixth state title for their school; and

WHEREAS, climaxing an outstanding 14-1 season, the Golden Bears shut out New Brockton 28-0 to claim the state title and the glory, both for Hazlewood and its many loyal fans and boosters; and

WHEREAS, Coach Jackie Ferguson has now coached the Golden Bears to two state championships in his four seasons at Hazlewood; and

WHEREAS, Coach Ferguson's 1988 team again displayed the remarkable determination, dedication, discipline and desire to win that has become a tradition in Town Creek; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Hazlewood High School Golden Bears on their 1988 Class 2A State Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Ferguson on behalf of his staff and team for appropriate display at Hazlewood High School.

On motion of Rep. Dillard, the rules were suspended and the resolution, H. J. R. 203, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Flowers and Holmes:

H. R. 204. COMMENDING PIKE COUNTY NATIVE AND UNITED STATES CONGRESSMAN, JOHN R. LEWIS OF GEORGIA.

Also:

The following resolutions were introduced:

By Rep. Gaston:

H. J. R. 205. COMMENDING STANLEY H. HOUSTON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest honor the outstanding professional achievement of Stanley H. Houston of Mobile, Alabama, who has been named Professional Engineer of the Year by the Mobile Area Council of Engineers; and

WHEREAS, Mr. Houston, who is a Registered Engineer in Alabama, Florida, Georgia and Mississippi, is a mechanical engineering graduate of the University of South Alabama, and is chief mechanical engineer for BCM Converse where he has been employed since 1971, with the responsibility for mechanical design in the Southeast region; and

WHEREAS, in dedicated service to his profession, he has held all offices of the local chapter of the American Society of Heating, Refrigerating and Air Conditioning Engineers and, during his tenure as president, the chapter was named one of the top ten in the nation; and

WHEREAS, Mr. Houston further was elected historian of the Southeastern region of this society, and also is a member of the National Society of Professional Engineers, serving as finance chairman of the 1988 Winter meeting which was held in Mobile and had a budget in excess of \$100,000; and

WHEREAS, in an extension of his many activities, Mr. Houston is active in a number of civic and community affairs and is a member of Cottage Hill Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Stanley H. Houston of Mobile, Alabama, for outstanding professional achievement and service, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 205, was adopted.

Also:

By Rep. Beasley:

H. J. R. 206. CONGRATULATING ABBEVILLE CHRISTIAN ACADEMY ON THE 1988 STATE SOFTBALL CHAMPIONSHIP.

WHEREAS, in highest commendation the Legislature of Alabama congratulates the Abbeville Christian Academy Lady Generals on their division's 1988 State Softball Championship, the school's first ever state athletic title; and

WHEREAS, under Coaches Thomas Giles and Keith Barnes, the Lady Generals advanced to the state tournament by twice defeating Demopolis Academy, 18-1 and 11-1, in sub-state competition; they then downed Stokes, 5-3, and Fort Dale-South Butler by a score of 14-4 to advance to the title showdown against Stokes Academy which the Generals took 6-5 in extra innings to claim the State Championship and to finish with an overall 15-1 season; and

WHEREAS, the Lady General Champions are Marla Carter, Vicki Barnes, Julie Tew, Misty Money, Stacey Walker, Sheila Lewis, Misty Hix, Roxanna Hix, Lil Crawford, Barbara Medley, Eve Giles, Kim Jones, Kelli Hall, Kim Price, Mandy Money, Kim Lindsey and April Bradley; the score-keeper was Fran Crawford while Katie Lindsay served as batgirl; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Abbeville Christian Lady Generals on their division's 1988 State Softball Championship, and do further direct that copies of this resolution be forwarded to Coaches Giles and Barnes for appropriate presentation and school display.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 206, was adopted.

H. 655 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 655, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 4.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business on the Special Order Calendar adopted on the tenth legislative day.

H. 321 TAKEN UP
AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holley to the bill, H. 321, on the tenth legislative day, and the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black Blakeney, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Crow, Dillard, Drake, Flowers, Frazier, Freeman, Goodwin, Grouby, Hall, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Laird, Logan, Marietta, Marks, Mathis, McDowell, McKee, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—59

AMENDMENT OFFERED

Rep. White (F) offered the following amendment #1 to the bill, H. 321 as amended:

Amend H. B. 321, Page 8, Section 3, by deleting Lines 13 through Line 17 in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Breedlove, Brooks, Carothers, Coburn, Crow, Dillard, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Haynes, Headley, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Marietta, Marks, Mathis, McDowell, Moon, Newman, Newton (C), Parker, Poole, Starkey, Thomas, Turnham, Walker, White (F) and Willis.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. White (F) offered the following amendment #2 to the bill, H. 321 as amended:

Amend H. B. 321, Page 8, Section 3, by deleting Lines 13 through Line 17 in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Brooks, Buskey (JE), Butler, Carothers, Clark (W), Crow, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Haynes, Headley, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rogers, Sanderford, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—60

Nay: Rep. Curry.

—1

And the bill, H. 321 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis and Wright.

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 198. COMMENDING ALICE VIVIAN SMITH OF MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

MOTION TO RECONSIDER

Having previously filed a Motion in Writing and voted on the prevailing side, Rep. Adams offered the motion to reconsider the vote by which the bill, H. 323 as amended, was passed, and the motion to reconsider was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 324, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Carothers, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—63

And the bill:

H. 324. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-23, 34-25-24, 34-25-25, 34-25-28, 34-25-32 and 34-25-36, Code of Alabama 1975, so as to define chairman of the board; reduce board members from 5 to 3 voting members and 2 advisory consultants; provide for employees of the board; transfer all functions, records, equipment, documents, funds and responsibilities of the board to the public safety department; create a polygraph examiners revolving fund in the state treasury; provide purchases will be made pursuant to the state bid law; authorize the board to seek restraining court orders; provide surety bonds of licensees in an amount set by the board; provide for applications for licensure to be made to the board and for fees for out-of-state applicants; authorize the board to issue internship licenses; require changes of address be given in writing to the board; provide for oral examinations of applicants; and authorize the board to revoke and restore licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Brooks, Carothers, Clark (W), Ceburn, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (G), White (L), Willis and Zoghby.

—61

Nay: Rep. Biddle.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 325, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Starkey, Thomas, Venable, Walker, Warren, White (F), White (L), Willis and Wright.

—65

And the bill:

H. 325. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to repeal Section 34-24-274 to eliminate certain requirements that the probate judge receive and publish lists of licensees of the board, and to amend Sections 20-2-2, 34-24-251, 34-24-252, 34-24-253, 34-24-254, 34-24-255, 34-24-256, 34-24-257 and 34-24-274, Code of Alabama 1975, so as to add the Board of Podiatry as a certifying board under the controlled substances statute; to require a majority of the board members shall constitute a quorum; to authorize administrative fines and the institution of legal proceedings by the board for disciplinary action; to grant the same per diem and travel allowance to board members as is paid to state employees; to authorize the board to set bonds at \$10,000.00; to provide applicants be at least 19 years of age or such age as the board by rule shall determine; and to authorize separate application and examination fees and nonrefundable reexamination fees be established by the board; and to eliminate the requirement that applicants' examination papers be deposited with the archives and history department; and to provide for nonrefundable reexamination fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carothers, Clark (W), Coburn, Crow, Curry, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Melton, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL) Budget Isolation Resolution relating to H. B. 326, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Davis, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 326. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-21, 34-21-22, 34-21-23, and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to eliminate temporary permits after a 36-month period; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the bill, H. 326, and to the pending amendment reported by the Standing 798Committee on Health:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23 and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance

of Board of Nursing, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Nursing, created and functioning pursuant to Sections 34-21-1 through 34-21-63, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23 and 34-21-25 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-19-5.

“(a) The state board of nursing and the board of medical examiners may issue or refuse to issue or, having issued, may suspend or revoke licenses to practice nurse midwifery under the provisions of this chapter in accordance with such rules and regulations promulgated under the provisions of this chapter.

“(b) Licenses issued under this chapter shall be renewable biennially at such time and in such a manner as prescribed by the state board of nursing and the board of medical examiners.

“(c) Suspension and revocation of licenses shall be by the state board of nursing and the board of medical examiners for due cause after investigation.

“(d) The state board of nursing and the board of medical examiners are hereby authorized to levy and collect a fee for the issuance and renewal of licenses to practice nurse midwifery pursuant to this chapter.

“§34-19-9.

“Individuals meeting the requirements set forth shall have their professional nursing license also designated certified nurse midwife (C.N.M.) without upon the payment of additional required fees.

“§34-21-2.

“(a) There is hereby created the board of nursing, which shall be composed of 10 members to be appointed as hereinafter provided for, which shall have the duties and powers hereinafter enumerated. In order to insure continuity of administration, the nine board members provided for by section 3 of Act No. 427, regular session 1975, shall continue to serve to the completion of the term for which they are serving. The governor shall within 60 days of January 1, 1984, appoint a tenth member who shall be a licensed practical nurse for a term of four years from a list of nominees furnished him by the Licensed Practical Nurses' Association of Alabama, Alabama Federation of Licensed Practical Nurses, Incorporated as hereinafter provided. As the terms of all board members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. No member shall be appointed to more than two consecutive terms of four years each. Six members of the board shall be licensed professional nurses, and four members of the board shall be licensed practical nurses. The governor shall appoint the members of the board who are licensed professional nurses from a list of nominees furnished him by the board of directors of the Alabama State Nurses' Association, and such list, when furnished, shall contain at least twice the number of nominees as there are appointments to be made or vacancies to be filled. The board of directors of the Alabama State Nurses'

Association shall on or before December 1 of each year, or at such other times as necessary, furnish the governor with a list of licensed professional nurses qualified for appointment to the board. In the nominating and appointing process, due care will be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, and clinical nursing. The governor shall appoint two of the members of the board who are to be licensed practical nurses from a list of nominees furnished him by the board of directors of the Licensed Practical Nurses Association of Alabama, ~~Incorporated~~, and such list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The board of directors of the Licensed Practical Nurses Association of Alabama, ~~Incorporated~~, shall on or before December 1 of each year in which the term of office of a board member or a nominee of said board of directors shall expire or at such other time as necessary, furnish the governor with such list of licensed practical nurses qualified for appointment to the board. The governor shall appoint two members on the board who are to be licensed practical nurses from a list of nominees furnished him by the board of directors of the ~~Licensed Practical Nurses Association of Alabama, Alabama Federation of Licensed Practical Nurses, Incorporated~~, and such list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The board of directors of the ~~Licensed Practical Nurses Association of Alabama~~ Alabama Federation of Licensed Practical Nurses, Incorporated, shall on or before December 1 of each year in which the term of office of the board member filled by the nominee of such board of directors shall expire, or at such other times as necessary, furnish the governor with a list of licensed practical nurses qualified for appointment to the board. The governor may remove any member from the board for neglect of duty of the board, incompetency or unprofessional or dishonorable conduct. Each person appointed to the board as a licensed professional nurse shall be a citizen of the United States and a resident of the state of Alabama and shall have these additional qualifications: be a graduate of a state-approved educational program for the preparation of practitioners of professional nursing; be a currently licensed professional nurse in Alabama; have a minimum of five years' successful nursing experience in an administrative, teaching or clinical capacity and be actively engaged in professional nursing in this state immediately preceding and during appointment. Each person appointed to the board as a licensed practical nurse shall be a citizen of the United States and a resident of the state of Alabama and shall have these additional qualifications: hold a diploma from an accredited high school or its equivalent; be a graduate of a state-approved vocational educational program for the preparation of practitioners of licensed practical nursing; be a currently licensed practical nurse in Alabama; have a minimum of five years' successful nursing experience and be actively engaged in licensed practical nursing in this state immediately preceding and during appointment.

"(b) All members of the board shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

"(c) The board shall have the following powers and perform the following duties: It shall meet at least once a year and shall, at its organization meeting and at its annual meetings thereafter, elect from its members a president, a vice-president and a secretary. It may hold such other and additional meetings during any year as it deems necessary for the transaction of business. A majority of the board, including one officer, shall constitute a quorum at any meeting.

"The board is authorized to:

"(1) Adopt and, from time to time, revise such rules and regulations, not inconsistent with law, as may be necessary to carry out the provisions of this chapter.

"Nothing in this chapter shall be construed as limiting the rights of affected parties to appeal decisions of the board with regard to rules and regulations promulgated hereunder;

"(2) Prescribe standards and approve curricula for nursing educational programs preparing persons for licensure under this chapter;

"(3) Provide for surveys and evaluations of such programs at such times as it may deem necessary;

"(4) Approve such nursing educational programs as meet the requirements of this chapter and the board. Nothing in this chapter shall be construed to diminish the power of the state board of education or other constitutionally or legislatively established state agencies to govern the schools under their respective jurisdictions;

"(5) Deny or withdraw approval from educational programs for failure to meet prescribed standards provided, that withdrawal of approval shall be effected only after a hearing in accordance with board rules and regulations;

"(6) Examine, license and renew the licenses of duly qualified applicants and require employers to submit listings of personnel covered by this chapter to the board upon request;

"(7) Conduct investigations, hearings and proceedings concerning alleged violations of this section or of the rules and regulations of the board;

"(8) Have the power to issue subpoenas, compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

"(9) Cause the prosecution of all persons violating the provisions of this chapter and incur such necessary expenses therefor;

"(10) Keep a public record of all of its proceedings;

"(11) Keep a register of all licensees;

"(12) Make an annual report to the governor;

"(13) Appoint and employ a qualified person, not subject to the state merit system, who shall not be a member of the board, to serve as executive officer;

"(14) Define the duties and fix the compensation for the executive officer;

"(15) Employ such other persons as may be necessary to carry on the work of the board and provide for appropriate bonding of employees; regular employees of the board shall be employed subject to the state merit system in effect on January 1, 1966 or at the time of employment;

"(16) Employ consultants, specialists, counsel or other specially qualified persons under contract or on a part-time basis to assist it in administering this chapter and without regard to the state merit system in effect on or after January 1, 1966, and to pay for the services of such persons;

"(17) Accept gifts and grants upon terms and conditions imposed by it through official resolutions;

“(18) Perform such other duties, not inconsistent with law, as required by this chapter to foster and improve nursing and the regulation thereof and the public health of this state;

“(19) Expend funds of the board in exercising its powers and duties and in administering this chapter;

“(20) Determine and collect reasonable fees;

“(21) Adopt standards for registered and practical nursing practice and for continued competency of licensees;

“(22) Join organizations that develop and regulate the national nursing licensure examinations and promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety and welfare.

“(d) The executive officer, employed by the board as provided for herein, shall be a citizen of the United States and a person of the highest integrity and shall possess these additional qualifications: be a licensed professional nurse in Alabama or eligible for licensure, be a graduate of a professional nursing program approved by the state in which the program was completed, hold a master's degree, and have had a varied experience in nursing, including at least five years' experience in an administrative or teaching capacity.

“The executive officer shall be bonded for the faithful performance of the duties of the office in the sum of not less than \$5,000.00, and the premium of the bond shall be paid out of the funds of the board.

“(e) Each member of the board shall receive \$50.00 per day the same per diem and travel allowance as is paid by law to state employees for each day's attendance at the board meetings, together with necessary travel and other expenses incurred in the discharge of his or her duties as a board member in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board. In addition Also, any member of the board engaged in duties under the direction of the board shall receive \$50.00 per day and necessary expenses the said per diem and travel expenses and daily compensation or allowance authorized by the board.

“§34-21-23.

“(a) The license of every professional nurse licensed under the provisions of this chapter shall be renewed biennially, and the term of the license shall be two years. Applicants for renewal shall apply for and complete the renewal application and forward same to the board, along with the renewal fee, during the renewal period that shall from time to time be specified by the board. The board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for a license period of two years.

“(b) The license of every practical nurse licensed as a licensed practical nurse under the provisions of the chapter shall be renewed biennially, and the term of the license shall be two years. Applicants for renewal shall apply for and complete the renewal application and forward same to the board, along with the renewal fee, during the renewal period that shall from time to time be specified by the board. The board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for a license period of two years.

“(c) Any person practicing nursing who allows his or her license to lapse by failing to renew, as hereinafter provided, may be reinstated and licensed by the board upon satisfactory explanation of such failure and upon payment of the required fees. The board is hereby authorized under its rule-making powers to provide for an inactive license status for licensees under this chapter and to collect such fees as the board determines for such inactive license.

“(d) It shall be unlawful for any person to practice professional nursing in this state during the time his or her license to practice has lapsed, and such person shall be subject to the penalties of this chapter. It shall be unlawful for any person to practice practical nursing in this state during the time his or her license so to practice has lapsed, and such person shall be subject to the penalties of this chapter.

“(e) A nurse not actively practicing professional nursing in Alabama, or not actively practicing practical nursing in Alabama, shall not be required to renew his or her license; but such person shall, prior to resuming the practice of professional nursing, or the practice of practical nursing, submit evidence of continued competence satisfactory to the board and secure a renewal license before reengaging in the active practice of professional nursing or in the active practice of practical nursing, as the case may be.

“(f) The board shall adopt a continuing education program by October 1, 1991. After said date, successful completion of said continuing education requirements shall be a requisite for license renewal.

“§34-21-25.

“(a) For disciplinary purposes, the board is hereby authorized to adopt, levy and collect administrative fines not to exceed \$1,000.00 per violation; and to institute any legal proceedings necessary to effect compliance with this chapter against its licensees.

“(a) (b) The board shall also have the power to deny, revoke or suspend any license issued by it or to otherwise discipline a licensee upon proof that the licensee: is guilty of fraud or deceit in procuring or attempting to procure a license; has been convicted of a felony; is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession; is unfit or incompetent due to personal habits; is habitually intemperate due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render him or her unsafe or unreliable as a licensee; has been convicted of any violation of a federal or state law relating to controlled substances; is guilty of unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health or has willfully or repeatedly violated any of the provisions of this article, as defined by board rules and regulations.

“(b) (c) Whenever written complaint is made to the board that a person has committed any of the acts or come within any of the provisions enumerated in the preceding paragraph the board shall investigate said complaint and may bring an action in its own name to hear and determine said complaint, the hearing to be held in Montgomery, Alabama. The person whose qualification is under consideration shall have not less than 20 days' written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint; said notice may be served upon the accused by any sheriff of the state of Alabama and, if said person is out of the state or evades service, or cannot be served in person, then service

may be made by mailing, by registered or certified mail, the notice and a copy of the complaint to said person at his last known post-office address in this state, and the return shall show that service has been made in this manner.

"(e) (d) At the hearing, the complainant and the person whose qualification is under consideration, and any other person who may be permitted so to do by the board, shall have the right to introduce all such oral testimony or written testimony, or both, as the board may deem relevant to the issues involved, and the right to be heard in person or by counsel, or both. The board may permit the complaint to be amended, but no amendment shall be permitted which is not germane to the charge or charges sought to be amended or which materially alters the nature of any offense charged. The board shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure and as to the admissibility and weight of evidence. If the person, whose qualification is under consideration, absents himself or herself, the hearing may proceed in his or her absence.

"(d) (e) Any accused, complainant or other party and the board may subpoena witnesses or pertinent records for the hearing, and such subpoenas may be served by any sheriff of the state of Alabama. Witnesses may be sworn by the president of the board or by the person discharging the duties of the president. Witnesses testifying at such hearing shall upon discharge as a witness be paid by the party requesting the subpoena an amount not to exceed the per diem expense allowed to Alabama state employees for in-state travel and the actual cost of his transportation to and from the place of the hearing, not to exceed the mileage rate allowed to Alabama state employees for in-state travel.

"(e) (f) Evidence may also be taken by deposition, and the law and practice as to depositions in circuit courts shall be followed in all reasonable respects.

"(f) (g) If the accused is found guilty of the charges, the board may refuse to issue a license or may revoke or suspend a license, or otherwise discipline a licensee. A revoked license may be considered for reinstatement after one year in accordance with board rules

"(g) (h) Any person whose license is ordered suspended or revoked may appeal to the circuit court or a court of like jurisdiction of Montgomery county, from any order of the board under this section, within 30 days from date of the decision of the board. The trial of appeals hereunder shall be conducted in like manner, as nearly as may be, as provided for in the Alabama Administrative Procedure Act.

"(h) (i) Any organization, registered nurse, licensed practical nurse or other person who in good faith reports information to the board alleging that any person licensed or applying for a license to practice nursing may be guilty of the acts, offenses or conditions set out in section 34-21-7 or subsection (a) of this section, shall not be liable to any person for any statement or opinion made in such report."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 326 as amended:

Amend H. B. 326, page 10, lines 18 and 19, by deleting the following words: "to personal habits; is habitually intemperate due"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Payne, Penry, Poole, Rains, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 326 as amended:

Amend H. B. 326 on page 12, line 27 by adding the following new Section 4 and renumbering subsequent sections accordingly:

Section 4. Provided, however, under the provisions of this act, continuing education shall not result in a passing or failing grade.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Crow, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Hall, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (D), Parker, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

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Nays: Reps. Beasley, Coburn, Curry, Gray, Hamilton and Payne.

—6

And the bill:

H. 326. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23 and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim Budget Isolation Resolution relating to H. B. 327, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

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And the bill:

H. 327. (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15 and 34-9-41, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; and to reimburse board members' per diem and travel expenses at the same rate paid to state employees.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the bill, H. 327, and to the pending amendments reported by the Standing Committee on Health:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of the Board of Dental Examiners, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Dental Examiners, created and functioning pursuant to Sections 34-9-1 through 34-9-65, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-9-15.

“(a) No person shall practice dentistry in the state of Alabama unless licensed by the board and registered annually as required by this chapter. The secretary-treasurer of the board shall mail to each such licensee an initial registration form which shall contain space for the insertion of his name, address, date and number of his license certificate, and such other information as the board shall deem necessary. The licensee shall sign and verify the accuracy of his registration before a notary public after which he shall forward said registration to the secretary-treasurer of the board together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00. Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before October 1 of each year, every dentist licensed to practice dentistry in the state shall transmit to the secretary-treasurer of the board the completed form prescribed by the board, together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00, and receive therefor the current annual registration certificate authorizing him to continue the practice of dentistry in the state for a period of one year. Any license and license certificate previously granted under the authority of this chapter or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before January 1, each year. Any dentist whose license shall be automatically suspended by reason of failure, neglect or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of the penalty fee of \$25.00 plus all accrued annual registration fees up to a maximum of five years, accompanied with the prescribed form for annual registration of such license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before November 30, each year, the board shall notify such licensee by registered or certified mail addressed to his last address of record that such application and fee have not been received and that, unless such application and fee are received on or before the first day of January, his license and license certificate shall be automatically suspended. The board shall notify such licensee by registered or certified mail addressed to his last address of record of the effective date of his automatic suspension and the provisions for registration of such license. The board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

“(b) The board shall adopt promulgate rules and regulations for the adoption of a program of continuing education for its licensees by October 1, 1991. After said date, the successful completion of said continuing education program requirements shall be a requisite for renewal of licenses issued pursuant to this chapter.”

“§34-9-16.

“The board shall collect fees provided for in this chapter as follows:

"Examination fee for dental applicants, to be fixed by the board	\$25.00 to \$200.00
"Examination for dental applicants under reciprocal agreements	\$50.00 to \$100.00
"Examination and training permit fee for dental hygienists	\$20.00 to \$180.00
" <u>Education fee for student hygienists in Alabama dental hygiene program</u>	<u>\$150.00 to \$200.00</u>
"License certificate fee	\$20.00
"Duplicate license certificate fee	\$20.00
"Annual registration certificate fee	\$10.00 to \$50.00
"Duplicate annual registration certificate fee	\$1.00
"Teaching permit	\$5.00 to \$50.00"
"§34-9-41.	

"The board shall annually elect from its membership a president, vice-president and secretary-treasurer and may employ a secretary who is not a member of the board, and it shall not be necessary that the secretary be a dentist. The board shall have a common seal. The board shall hold an annual meeting in Birmingham at the University of Alabama School of Dentistry as soon as practical after the graduation exercises of the dental school for the purpose of examining applicants for a license to practice dentistry and dental hygiene or at such other times and places as the board may designate for the purpose of transacting its business and examinations. Three members of the board shall constitute a quorum for the transaction of business at any meeting except, that, in conducting hearings involving any of the penalties outlined in section 34-9-18 and examinations of licensure, five members of the board shall be present. In conducting examinations or hearings involving any of the penalties outlined in section 34-9-18, a majority of the board may appoint any former member of the board and such other licensed practicing dentists who for such purposes shall have all the powers and privileges of such office as a regular board member possesses. Out of the funds of the board the members thereof shall receive as compensation a sum to be fixed by the board; for each day actively engaged in the duties of their office, and in addition board members shall receive the said sum not to be less than \$25.00 nor more than \$150.00 per day and the necessary expenses same per diem and travel allowance as is paid by law to state employees for each day actively engaged in the duties of their office. The secretary-treasurer shall receive such compensation as may be fixed by the board, which shall be in addition to his per diem and expenses, provided no per diem or expenses shall be allowed unless his duties require his absence from his office. The secretary shall receive such compensation as may be fixed by the board. The secretary-treasurer shall be custodian of all property, money, records and the official seal of the board. All money received by the board under this chapter shall be paid to and received by the secretary-treasurer of the board. The secretary-treasurer shall deposit to the credit of the board all funds paid to the board in a bank selected by its members. The board is authorized to expend such funds as shall be necessary to enforce the provisions of this chapter; to pay salaries, expenses and other costs herein provided; to promote the arts and science of dentistry; and for such other

purposes as the board shall consider to be in the best interest of dentistry in this state. All the costs herein provided for shall be paid by checks drawn by the secretary-treasurer and countersigned by the president of the board; except the board may authorize the administrative secretary to sign checks for costs that do not exceed a monetary limit to be set by the board in its rules. Should the property be other than money the secretary-treasurer shall provide for the safekeeping thereof for the use of the board. All money, including license fees, annual renewal license certificate fees, examination fees and any and all other fees and receipts under the provisions of this chapter, are hereby appropriated to the board of dental examiners to be used as herein provided."

"§34-9-63.

"The issuance of a permit for general anesthesia shall include the privileges of administering intravenous sedation in accordance with the provisions of this section.

"(1) Twelve months after May 29, 1985, no dentist shall use intravenous sedation on an outpatient basis for dental patients unless such dentist possesses a permit of authorization issued by the board of dental examiners as hereinafter provided. The dentist applying for or holding such permit shall be subject to on-site inspections as set forth in paragraph b. of subdivision (2) of section 34-9-60.

"a. In order to receive such permit, the dentist must apply on a prescribed application form to the board of dental examiners and submit a fee to be determined by the board of dental examiners not to exceed ~~\$200.00~~ \$750.00 and produce evidence showing that he or she:

"1. Has received formal training in the use of intravenous sedation and is competent to handle all emergencies relating to intravenous sedation and is currently certified in cardiopulmonary resuscitation. The certification of the formal training shall specify the total number of hours as well as the number of didactic hours and the number of patient contact hours. The number of didactic hours and the number of patient contact hours shall be determined by the board. This training program must have been approved as acceptable for training in intravenous sedation by the board of dental examiners; and

"2. Has a properly equipped facility for the administration of intravenous sedation, staffed with a supervised team of auxiliary personnel, capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

"b. Adequacy of the facility and the competency of the sedation team shall be determined by the board of dental examiners.

"c. Prior to the issuance of such permit, the board of dental examiners at its discretion, may require an on-site inspection of the facility, equipment and personnel to determine if, in fact, the aforementioned requirements have been met. This evaluation shall be carried out in the same manner as provided in subdivision (2) of this section.

"(2) Each dentist who is licensed to practice dentistry in the state on May 29, 1985, who desires to continue to use intravenous sedation shall make application on the prescribed form to the board of dental examiners within 12 months of May 29, 1985. If he meets the requirements of this section, he shall be issued such a permit. If said applicant does not meet

the requirements of paragraph a. of subdivision (1) of this section, he may be entitled to an 'intravenous sedation permit' provided said applicant passes to the satisfaction of the board an on-site inspection. Said inspection shall ascertain that the dentist has a properly equipped facility for the administration of intravenous sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

"The board, in conducting the on-site inspection and evaluations required in this section, shall appoint a team of three examiners who shall be dentists certified to administer intravenous sedation in accordance with this article.

"(3) A dentist utilizing intravenous sedation and his auxiliary personnel shall be currently certified in cardiopulmonary resuscitation.

"(4) Each dentist who has not been using intravenous sedation prior to May 29, 1985, may be granted a temporary provisional permit by the board based on the applicant's producing evidence that he or she has complied with this section pending complete processing of the application and thorough investigation by the on-site evaluation."

"§34-9-64.

"The board shall, with fee to be determined by the board not to exceed ~~\$200.00~~ \$750.00, renew the intravenous sedation permit annually unless the holder is informed in writing that a reevaluation of his credentials and facility is to be required. In determining whether such reevaluation is necessary, the board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such reevaluation shall be carried out in the manner described in paragraph b. of subdivision (2) of section 34-9-60."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry,

Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

And the bill:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim Budget Isolation Resolution relating to H. B. 328, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner,

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Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

And the bill:

H. 328. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-77 and 34-24-336, Code of Alabama 1975, so as to correct a conflict in statutes regarding non-refund of fees by the board; and to adopt a program of continuing medical education by October 1, 1991, and to make successful completion of said program a requisite of license renewal after said date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

H. 323 TAKEN UP

On motion of Rep. Buskey (JL) the substitute offered by Rep. Adams, to the bill, H. 323 was amended, and adopted on the tenth legislative day, was reconsidered.

SUBSTITUTE LOST

The question was again on the substitute offered by Rep. Adams, and the substitute was lost.

Yeas 0; Nays 70.

Nays:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, Williams, Willis, Wright and Zoghby.

—70

And the bill, H. 323 as amended, was again read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—82

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 207. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business for the 11th legislative day, Thursday, March 9, 1989, taking precedence over any unfinished business or any previous Special Orders.

Uncontested Local Bills

Inst Id

H. 177

And the Following Bills:

Inst Id

Page

H. 139—By Rep. Johnson (RG)

12

County health dept. may make provisional appt. to adm. public health services, Sec. 36-26-81 am'd.

H. 447—By Rep. Higginbotham (As Amended and Substituted)

81

Pornography, unlawful to distribute or produce, Secs. 13A-12-150 through 13A-12-159, 13A-12-170 through 13A-12-179 repealed

H. 480—By Rep. Adams

81

County and mun. sales taxes, validated and ratified

H. 415—By Rep. Payne

34

Municipalities, cert. prohib. on incorporation removed, Sec. 11-41-1 am'd.

H. 97—By Rep. Johnson (RW)

18

Board of education, st. auth. to adopt rules re school absences and drivers' licenses

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<u>H. 108</u> —By Rep. White (L) (As Substituted)	13
Impaired Professionals' Committee, cost of treatment programs, discipline by bds., provided further, Sec. 34-38-2 am'd.	
<u>H. 121</u> —By Rep. Starkey	5
Solid Waste disposal authorities	
<u>H. 140</u> —By Rep. Johnson (RG) (As Substituted)	12
Health Dept. for family practice and obstetricians in rural areas, approp.	
<u>H. 304</u> —By Rep. Hall	26
Free Fishing Day, designated	
<u>H. 76</u> —By Rep. Harvey	103
Counties, cities or other political subdivisions subject to fed. Uniform Relocation assistance and Real Property Acquisition Policies Act, auth. to practice cert. relocation assistance and payment procedures, Secs. 23-1-200 thru 23-1-209 repealed.	
<u>H. 308</u> —By Rep. Hooper	4
Death penalty, direct appeal to Supreme Ct., Sec. 12-3-9 am'd.	
<u>H. 307</u> —By Rep. Laird	26
Woodland Fire Condemnation Act, established	
<u>H. 379</u> —By Rep. Harper	46
Bar pilots in Mobile Bay, comp. incr., Sec. 33-4-48, am'd.	
<u>H. 391</u> —By Rep. Laird	55
Unemployment comp., rating system and tax structure alt., benefits incr., Secs. 25-4-51 through 25-4-54, 25-4-72, 25-4-77, 25-4-78, 25-4-91 am'd.	
<u>H. 494</u> —By Rep. Freeman	38
Boats, registration fees incr., Sec. 33-5-17 am'd.	
<u>H. 273</u> —By Rep. Carothers (As Substituted)	57
Health care facilities, deletes federal regulatory language, Secs. 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271 and 22-21-275 am'd.	
<u>H. 21</u> —By Rep. McClain	44
Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Secs. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.	
<u>H. 420</u> —By Rep. White (L)	30
State employees, deductions from salaries for employee organizations	

<u>H. 285</u> —By Rep. Logan	23
Lifetime hunting, fishing and combined licenses, fee incr., non-residents not entitle to receive, voiding provision removed	
<u>H. 338</u> —By Rep. White (L) (As Amended)	30
Insurance, mutual aid associations auth. for domestic life and disability insurers	
<u>H. 110</u> —By Rep. White (L) (As Amended)	27
Counties, ad valorem taxes collected, investment reg.	
<u>H. 111</u> —By Rep. White (L) (As Amended)	27
Tax assessors, auth. to correct mechanical errors made in assessments of prop.	
<u>H. 158</u> —By Rep. Penry	54
Electric Cooperatives, Rural Electric Cooperatives, Bd. of Trustees may set debt limit & mortgage property, Sec. 37-6-21 am'd.	
<u>H. 142</u> —By Rep. Harper	131
Dieticians and nutritionists, practice reg., licensing, bd. established	
<u>H. 144</u> —By Rep. Harper (As Substituted)	73
Teachers, tuition pd. for continuing ed; Ala Comm. on Higher Ed., administer	
On motion of Rep. Carter, the resolution, H. R. 207, was adopted.	

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTIONS CARRIED OVER

On motion of Rep. Bugg, the Budget Isolation Resolution and the bill, H. 150, were temporarily carried over.

On motion of Rep. Payne, the Budget Isolation Resolution and the bill, H. 46, were temporarily carried over.

On motion of Rep. Escott, the Budget Isolation Resolution and the bill, H. 428, were temporarily carried over.

On motion of Rep. Escott, the Budget Isolation Resolution and the bill, H. 548, were temporarily carried over.

On motion of Rep. Escott, the Budget Isolation Resolution and the bill, H. 549, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marks Budget Isolation Resolution relating to H. B. 38, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Coburn, Crow, Curry, Dillard, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Moon, Newton (D), Parker, Payne, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Walker, White (G), Willis and Zoghby.

—55

And the bill:

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Britnell, Brooks, Bryant, Carothers, Coburn, Crow, Curry, Dillard, Drake, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, White (G), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Goodwin Budget Isolation Resolution relating to H. B. 418, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Bowling, Britnell, Bryant, Carothers, Coburn, Crow, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Penry, Poole, Rains, Richardson, Sanderford, Starkey, White (G) and Willis.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 418. (With Amendment): Relating to Colbert County; to amend Section 1 of Act No. 79-131, H. 249, 1979 Regular Session (Acts 1979, p. 238), so as to provide further for the compensation of election officials.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 418, Section 1, Line 21, by striking after the word "receive" the following: ~~forty dollars (\$40.00)~~ and inserting in lieu thereof the following:

fifty dollars (\$50.00)

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Coburn, Crow, Curry, Dillard, Drake, Frazier, Freeman, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Walker, White (G), Willis and Zoghby.

—53

And the bill, H. 418 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bowling, Britnell, Brooks, Bryant, Carothers, Coburn, Crow, Curry, Dillard, Drake, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, White (G), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn Budget Isolation Resolution relating to H. B. 495, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Brooks, Bryant, Carothers, Coburn, Cosby, Curry, Dillard, Drake, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Walker, White (G), Williams, Wright and Zoghby.

—54

And the bill:

H. 495. Relating to Colbert County; to authorize the City of Sheffield to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Frazier, Freeman, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Marks, McMillan, Melton, Newman, Parker, Payne, Penry, Poole, Sanderford, Slaughter, Starkey, Turnham, Walker, White (G), Williams and Willis.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson Budget Isolation Resolution relating to H. B. 523, was adopted.

Yeas 43; Nays 0.

Yeas:

Reps. Beasley, Black, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Crow, Curry, Dillard, Drake, Freeman, Gaston, Goodwin, Hall, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Newman, Parker, Penry, Richardson, Sanderford, Slaughter, Starkey, Walker, Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 523. (With Amendment): Relating to Jackson County; authorizing and providing for the incorporation of the Jackson County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Jackson County Water Authority; permitting and authorizing merger of existing water systems or authorities with Jackson County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, as first priority, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state;

providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 523 as follows:

On page 9, lines 1-10, delete the first paragraph of Section 4 in its entirety and insert in lieu thereof the following:

Section 4. The board of the Jackson County Water Authority shall consist of five directors who shall be appointed in the following manner: One (1) director by the Jackson County Commission for an initial term of two (2) years; two (2) directors by the state Senator from Jackson County for initial terms of three (3) years so that both of these appointees are not qualified electors of the same state house of representative's district; and two (2) directors by the members of the state house of representatives representing Jackson County for initial terms of four (4) years.

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Penry, Sanderford, Slaughter, Starkey, Walker, White (F), White (G), Willis and Zoghby.

—56

And the bill, H. 523 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Richardson, Sanderford, Slaughter, Starkey, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

—59

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Hooper, the Budget Isolation Resolution and the bill, H. 567, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan Budget Isolation Resolution relating to H. B. 578, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Walker, White (F), White (G), Williams, Willis, Wright and Zoghby.

—66

And the bill:

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Penry,

Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (F), Williams, Willis, Wright and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mikell Budget Isolation Resolution relating to H. B. 567, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (F), White (G), White (L), Willis, Wright and Zoghby.

—67

And the bill:

H. 567. Relating to Elmore County; providing further for additional costs and charges in all circuit and district court cases, excluding small claims division, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in such fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Sanderford, Slaughter, Starkey, Turnham, Venable, Walker, White (F), White (G), White (L), Willis and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moon Budget Isolation Resolution relating to H. B. 606, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry,

Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (F), White (G), White (L), Willis and Zoghby.

—63

And the bill:

H. 606. Relating to Marshall County; providing for an additional allowance, payable from the county general fund, for election officials who work in polling places; and repealing Act No. 80-334, H. 801, Regular Session 1980 (Acts 1980, Vol. I, p. 455) which provides for an expense allowance for election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bowling, Box, Breedlove, Britnell, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Rains, Richardson, Slaughter, Spratt, Starkey, Turnham, Walker, White (F), White (G), White (L), Willis and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird Budget Isolation Resolution relating to H. B. 633, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Turnham, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

—68

And the bill:

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the Randolph

County Development Committee without the payment of fair and reasonable market value.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton Budget Isolation Resolution relating to H. B. 584, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turner, Turnham, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

And the bill:

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains,

Sanderford, Slaughter, Starkey, Turner, Turnham, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black Budget Isolation Resolution relating to H. B. 623, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Freeman, Fuller, Goodwin, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Walker, White (G), White (L), Williams, Willis and Zoghby.

—59

And the bill:

H. 623. Relating to Sumter County, to disburse additional funds to the South Sumter County Development Authority from revenues generated by fees on waste storage or dumping and to include certain additional districts within the composition of said authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Curry, Drake, Fuller, Goodwin, Grouby, Hamilton, Haynes, Higginbotham, Hill, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Walker, White (F), White (G), White (L), Williams and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird Budget Isolation Resolution relating to H. B. 670, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Curry, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Walker, White (G), White (L), Williams, Willis and Zoghby.

—62

And the bill:

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Curry, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (G), White (L), Williams, Wright and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant Budget Isolation Resolution relating to H. B. 686, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Drake, Flowers, Freeman, Fuller, Gaston, Hall, Hamilton, Haynes, Higginbotham, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Turnham, Walker, White (G), White (L), Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps. Beers, Black, Blake, Bowling, Britnell, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Turnham, White (G), White (L), Williams and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant Budget Isolation Resolution relating to H. B. 687, was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (G) and White (L).

—58

Nay: Rep. Newton (C)

—1

And the bill:

H. 687. Relating to Perry County, providing further for an expense allowance for the chairman of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, Walker, White (F), White (G), White (L) and Williams.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant Budget Isolation Resolution relating to H. B. 688, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, Melton, Moon, Newton (C), Parker, Payne, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, White (F), White (G), White (L) and Wright.

—54

And the bill:

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Freeman, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Turnham, White (F), White (G), White (L), Williams and Wright.

—56

MOTION TO ADOPT BUDGET ISOLATION RESOLUTION

Rep. Richardson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 177.

SUBSTITUTE MOTION OFFERED

Rep. Dillard offered the substitute motion to temporarily carry over the Budget Isolation Resolution relating to the bill, H. 177.

SUBSTITUTE MOTION TABLED

On motion of Rep. Richardson, the substitute motion offered by Rep. Dillard was tabled.

Yeas 36; Nays 30.

Yeas:

Reps. Bowling, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Davis, Ford, Freeman, Goodwin, Hall, Hammett, Haynes, Higginbotham, Johnson (RW), Kennedy, Lindsey, Mathis, McMillan, Moon, Newman, Rains, Richardson, Slaughter, Starkey, Thomas, Turner, White (F), White (L), Williams and Zoghyby.

—36

Nays:

Reps. Beasley, Beers, Britnell, Brooks, Crow, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hamilton, Harvey, Headley, Holley, Laird, Layson, Logan, Marks, McKee, Mikell, Payne, Petelos, Poole, Sanderford, Turnham, Walker, Warren, White (G) and Wright.

—30

The question was then on the motion offered by Rep. Richardson to adopt the Budget Isolation Resolution relating to the bill, H. 177.

SUBSTITUTE MOTION OFFERED

Rep. Mikell offered the substitute motion to carry over the Budget Isolation Resolution relating to the bill, H. 177, to the thirtieth legislative day.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (RW) the substitute motion offered by Rep. Mikell, was tabled.

Yeas 45; Nays 25.

Yeas:

Reps. Beasley, Bowling, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McMillan, Moon, Newman, Penry, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghyby.

—45

Nays:

Reps. Beers, Blake, Brooks, Butler, Crow, Curry, Dillard, Flowers, Frazier, Grouby, Headley, Holley, Laird, Layson, Logan, Marks, McKee, Payne, Petelos, Poole, Sanderford, Turnham, Walker, Warren and Wright.

—25

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

TOMMY CARTER,
Chairman.

And the bill, H. 327 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 198. COMMENDING ALICE VIVIAN SMITH OF MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 177 RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was again on the motion offered by Rep. Richardson to adopt the Budget Isolation Resolution relating to the bill, H. 177, and the motion was adopted.

Yeas 49; Nays 29.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McDowell, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, White (F), White (L), Williams and Zoghby.

—49

Nays:

Reps. Beers, Blake, Blakeney, Britnell, Brooks, Butler, Dillard, Flowers, Frazier, Gray, Grouby, Harvey, Headley, Holley, Laird, Layson, Logan, Marks, McKee, Mikell, Parker, Payne, Petelos, Poole, Sanderford, Turnham, Walker, Warren and Wright.

—29

And the bill:

H. 177. (With Amendment): To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Tourism, Entertainment and Sports, said committee amendment being as follows:

Amend H. B. 177, page 6, Section 7, line 27, after the word "races." by adding the following: There shall be no racing event held on Sunday.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker,

Payne, Penry, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Turner, Turnham, White (F), White (G), White (L) and Willis.

—70

AMENDMENT OFFERED

Rep. Dillard offered the following amendment to the bill, H. 177 as amended:

Amend H. B. 177, Page 10, Section 12, immediately following Line 31 by adding the following new subsection:

(e) A pari-mutuel ticket shall not be sold to any individuals who are not bona fide residents of Jackson County.

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment offered by Rep. Dillard to the bill, H. 177 as amended, was tabled.

Yeas 37; Nays 29.

Yeas:

Reps. Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McDowell, Parker, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas and Zoghby.

—37

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Grouby, Harvey, Headley, Hogan, Holley, Laird, Layson, Marks, McKee, Mikell, Payne, Sanderford, Turnham, Walker, White (L) and Willis.

—29

AMENDMENT OFFERED

Rep. Beers offered the following amendment to the bill, H. 177 as amended:

Amend House Bill 177, Section 1, Page 2, by striking the following:

Lines 4 thru 17

And substituting in lieu thereof the following:

“Shall consist of five (5) members appointed as follows: Representatives serving in the Alabama House of Representatives Districts 22 and 23 and Senate District 8 shall appoint two members for a term of six (6) years each. The Lt. Gov. of the State of Alabama shall appoint one (1) member for a term of five years. The Speaker of the Alabama House of Representatives shall appoint one (1) member for a term of four years. The county commission of Jackson County Alabama shall appoint one (1) member for a term of three (3) years.

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment offered by Rep. Beers to the bill, H. 177 as amended, was tabled.

Yeas 42; Nays 30.

Yeas:

Reps. Beasley, Biddle, Black, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Harvey, Haynes, Holmes, Johnson (RW), Kvalheim, Lindsey, Marietta, Mathis, McDowell, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—42

Nays:

Reps. Adams, Beers, Blake, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Drake, Flowers, Frazier, Grouby, Hamilton, Holley, Laird, Layson, McKee, Melton, Mikell, Newton (C), Payne, Petelos, Poole, Turnham, Walker, Warren, White (G), Willis and Wright.

—30

AMENDMENT OFFERED

Rep. Curry offered the following amendment to the bill, H. 177 as amended:

Amend H. B. 177 on page 2, Section 1, line 11 by adding after the word years the following:

no member of the appointing authority or their spouses shall be eligible to be members of the commission.

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment offered by Rep. Curry to the bill, H. 177 as amended, was tabled.

Yeas 42; Nays 32.

Yeas:

Reps. Beasley, Biddle, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Carothers, Coburn, Davis, Escott, Fuller, Gaston, Goodwin, Hall, Harper, Harvey, Haynes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McDowell, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, White (L), Williams and Zoghby.

—42

Nays:

Reps. Adams, Beers, Blake, Blakeney, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Headley, Holley, Layson, Logan, Marks, McKee,

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Melton, Mikell, Newton (C), Parker, Payne, Petelos, Poole, Sanderford, Turnham, Walker, White (F), White (G) and Wright.

—32

AMENDMENT OFFERED

Rep. Mikell offered the following amendment to the bill, H. 177 as amended:

Amend H. B. 177, page 11, line 12 after the word "to" by striking ~~twenty one percent (21%)~~ and inserting in lieu thereof the following: eighteen percent (18%)

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Mikell to indefinitely postpone the bill, H. 177 as amended, and the pending amendment, was lost.

Yeas 32; Nays 43.

Yeas:

Reps. Adams, Beers, Blake, Britnell, Brooks, Bryant, Butler, Curry, Dillard, Drake, Ford, Gray, Grouby, Hamilton, Hammett, Harper, Headley, Hill, Holley, Kennedy, Laird, Layson, Logan, Marks, McKee, Mikell, Poole, Sanderford, Turner, Walker, Warren and White (F).

—32

Nays:

Reps. Box, Breedlove, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Crow, Davis, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Haynes, Higginbotham, Hogan, Holmes, Johnson (RW), Kvalheim, Lindsey, Marietta, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, White (L), Willis and Zoghby.

—43

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 326. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23 and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow

administrative fines and the institution of legal proceedings by the board to discipline its licensees.

TOMMY CARTER,
Chairman.

And the bill, H. 326 as engrossed, was ordered sent to the Senate.

H. 177 RESUMED

AMENDMENT TABLED

On motion of Rep. Hall, the amendment previously offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

Yeas 42; Nays 38.

Yeas:

Reps. Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Moon, Newman, Newton (D), Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, White (F), White (L) and Zoghby.

—42

Nays:

Reps. Adams, Beers, Blake, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Laird, Layson, Logan, Marks, McKee, Melton, Newton (C), Parker, Petelos, Poole, Sanderford, Turnham, Walker, Warren, Willis and Wright.

—38

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 177 as amended:

Amend H. B. 177 as follows:

On page 17, delete all the language on lines 31 through 34.

On page 18, delete all the language on lines 1 through 17, and insert in lieu thereof:

If the majority of the votes cast in the referendum are "Yes," greyhound racing shall be legal in Jackson County and this act shall become operative therein; if the majority of the votes cast in the election are "No," this act shall have no further effect. The probate judge of Jackson County shall certify the results of the referendum to the Secretary of State in the time frame and in the manner as provided in other elections in the State of Alabama after the election results are canvassed.

On page 17, line 20, insert after the word "referendum" the following language:

"of the electors of Jackson County"

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Mikell to indefinitely postpone the bill, H. 177 as amended, and the pending amendment was lost.

Yeas 29; Nays 47.

Yeas:

Reps. Adams, Beers, Britnell, Brooks, Butler, Curry, Dillard, Flowers, Ford, Grouby, Hamilton, Harvey, Headley, Hill, Holley, Laird, Logan, Marks, McKee, Mikell, Newton (C), Payne, Poole, Rains, Sanderford, Turnham, Walker, Warren and Wright.

—29

Nays:

Reps. Beasley, Blakeney, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Harper, Higginbotham, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McMillan, Moon, Newman, Newton (D), Penry, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, White (F), White (L), Willis and Zoghby.

—47

REQUEST FOR COMMITTEE TO MEET

At the request of Rep. Gray, leave of the House was granted for the Standing Committee on Local Legislation No. 2 to meet in order to consider local bills.

H. 177 RESUMED

AMENDMENT ADOPTED

The question then was on the adoption of the amendment previously offered by Rep. Adams to the bill, H. 177 as amended, and the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, Warren, White (F), White (L), Willis, Wright and Zoghby.

—83

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #1 to the bill, H. 177 as amended:

Amend H. B. 177, page 11, line 20, after "2." by striking ~~Four percent (4%)~~ and inserting in lieu thereof the following: Six percent (6%)

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment #1 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 30; Nays 22.

Yeas:

Reps. Beasley, Box, Breedlove, Buskey (JE), Buskey (JL), Carothers, Clark (W), Dillard, Freeman, Fuller, Gaston, Goodwin, Hall, Haynes, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Mathis, Newman, Newton (D), Penry, Richardson, Slaughter, Spratt, Starkey, and Zoghby.

—30

Nays:

Reps. Adams, Beers, Brooks, Burke, Butler, Curry, Davis, Drake, Flowers, Frazier, Grouby, Harvey, Hill, Laird, McKee, Payne, Poole, Rogers, Turnham, Walker, Warren and Wright.

—22

MOTION TO CARRY OVER TABLED

On motion of Rep. Richardson, the motion offered by Rep. Flowers to carry over the bill, H. 177 as amended, to the fifteenth legislative day, was tabled.

Yeas 37; Nays 31.

Yeas:

Reps. Box, Breedlove, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Newman, Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, White (F), White (L) and Zoghby.

—37

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Laird, Layson, Logan, Marks, McKee, Mikell, Newton (C), Parker, Payne, Poole, Sanderford, Turnham, Warren and Wright.

—31

AMENDMENT OFFERED

Rep. Mikell offered the following amendment #2 to the bill, H. 177 as amended.

Amend H. B. 177, page 13, line 14 after the word "the" by striking ~~Jackson~~ and inserting in lieu thereof the following: Elmore

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #2 offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

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Yeas 44; Nays 26.

Yeas:

Mr. Speaker, Beasley, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Coburn, Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, White (L) and Zoghby.

—44

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Frazier, Grouby, Hamilton, Hammett, Harvey, Laird, Logan, Marks, Mikell, Parker, Payne, Petelos, Poole, Sanderford, Warren and Wright.

—26

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #2 to the bill, H. 177 as amended:

Amend H. B. 177, page 13, line 21 after the words "to the" by striking ~~Northeast Alabama~~ and inserting in lieu thereof the following: Snead

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #2 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 44; Nays 30.

Yeas:

Mr. Speaker, Beasley, Bowling, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Coburn, Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, White (F), White (L) and Zoghby.

—44

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Burke, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Holley, Laird, Layson, Marks, McKee, Mikell, Parker, Payne, Petelos, Poole, Turnham, Warren, Williams and Wright.

—30

AMENDMENT OFFERED

Rep. Mikell offered the following amendment #3 to the bill, H. 177 as amended:

Amend H. B. 177, page 13, beginning with line 13 by striking ~~Jackson~~ and inserting in lieu thereof the following: Montgomery

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #3 offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

Yeas 43; Nays 30.

Yeas:

Mr. Speaker, Beasley, Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McMillan, Newman, Newton (C), Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—43

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Grouby, Hamilton, Hammett, Hill, Holley, Laird, Logan, Marks, McKee, Mikell, Moon, Payne, Petelos, Poole, Sanderford, Warren and Wright.

—30

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #3 to the bill, H. 177 as amended:

Amend H. B. 177, page 11, line 20, after "2." by striking ~~Four percent (4%)~~ and inserting in lieu thereof the following: Five percent (5%)

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #3 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 44; Nays 34.

Yeas:

Reps. Beasley, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McDowell, McMillan, Newman, Newton (C), Newton (D), Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—44

Nays:

Reps. Adams, Beers, Blake, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Grouby, Hammett, Harvey,

Hill, Hogan, Holley, Laird, Logan, Marks, Mikell, Moon, Parker, Payne, Petelos, Poole, Sanderford, Turnham, Warren and Wright.

—34

AMENDMENT OFFERED

Rep. Dillard offered the following amendment #2 to the bill, H. 177 as amended:

Amend H. B. 177 on Page 4, Section 6, line 20 by striking the period (-) after the word "issued" and inserting the following: , and shall not have been engaged in the business of greyhound racing during such five (5) year period.

Further amend on Page 4, Section 6, line 24 by striking the period (-) after the word "issued" and inserting the following: , and shall not have been engaged in the business of greyhound racing during such five (5) year period.

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #2 offered by Rep. Dillard to the bill, H. 177 as amended, was tabled.

Yeas 40; Nays 31.

Yeas:

Reps. Box, Breedlove, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McDowell, Newman, Newton (D), Parker, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—40

Nays:

Reps. Adams, Beers, Blakeney, Bowling, Britnell, Brooks, Burke, Butler, Curry, Dillard, Drake, Flowers, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Holley, Laird, Logan, Marks, Mikell, Moon, Payne, Petelos, Poole, Sanderford, Turnham, Warren and Wright.

—31

AMENDMENT OFFERED

Rep. Mikell offered the following amendment #4 to the bill, H. 177 as amended:

Amend H. B. 177, page 3, line 21 after the word "shall" by striking ~~receive one~~ and inserting in lieu thereof the following: not receive compensation for

Further amend H. B. 177, page 3, by striking line 22 in its entirety.

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #4 offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

Yeas 41; Nays 28.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Newman, Newton (D), Perdue, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—41

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Flowers, Ford, Frazier, Hamilton, Hammett, Harvey, Hill, Holley, Logan, Marks, Mikell, Newton (C), Payne, Poole, Sanderford, Turnham, Warren and Wright.

—28

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #4 to the bill, H. 177 as amended:

Amend House Bill 177, Page 2, Section 1, Line 10, after the word "Senate" by striking the language ~~District 8~~, and adding in lieu thereof the following: Senator from Jackson County

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #4 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 41; Nays 33.

Yeas:

Reps. Beasley, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Newman, Newton (D), Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—41

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Flowers, Ford, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Holley, Laird, Layson, Logan, Marks, Mikell, Moon, Newton (C), Payne, Petelos, Poole, Sanderford, Turnham, Warren and Wright.

—33

AMENDMENT OFFERED

Rep. Mikell offered the following amendment #5 to the bill, H. 177 as amended:

Amend House Bill 177, Page 11, Section 13, at the beginning of Line 6, by striking the language ~~quarterly~~, and adding in lieu thereof the following: monthly

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #5 offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

Yeas 39; Nays 34.

Yeas:

Reps. Beasley, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Coburn, Davis, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McMillan, Newman, Newton (D), Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (L) and Zoghby.

—39

Nays:

Reps. Adams, Beers, Blakeney, Britnell, Brooks, Burke, Butler, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Holley, Laird, Logan, Marks, Mikell, Moon, Newton (C), Payne, Petelos, Poole, Sanderford, Turnham, Warren, Willis and Wright.

—34

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #5 to the bill, H. 177 as amended:

Amend H. B. 177, page 11, Section 13, Line 12, by striking the following language: ~~twenty-one percent (21%)~~ and adding in lieu thereof the following: twenty-four percent (24%)

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #5 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 44; Nays 36.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Moon, Newman, Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—44

Nays:

Reps. Adams, Beers, Biddle, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey,

Hill, Hogan, Holley, Laird, Logan, Marks, McKee, Mikell, Newton (C), Parker, Payne, Petelos, Poole, Sanderford, Turnham, Warren, Willis and Wright.

—36

MOTION TO CARRY OVER TABLED

On motion of Rep. Richardson, the motion offered by Rep. Mikell to carry over the bill, H. 177 as amended, to the twenty-ninth legislative day, was tabled.

Yeas 41; Nays 35.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Davis, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Newman, Penry, Perdue, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—41

Nays:

Reps. Adams, Beers, Biddle, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Laird, Logan, Marks, McKee, Moon, Newton (C), Parker, Payne, Petelos, Poole, Sanderford, Turnham, Warren, Willis and Wright.

—35

MOTION TO ADJOURN LOST

The motion offered by Rep. Butler that the House adjourn until 1:00 o'clock, p.m. Tuesday, March 21, 1989, was lost.

Yeas 11; Nays 70.

Yeas:

Reps. Butler, Crow, Flowers, Goodwin, Hamilton, Laird, McKee, Mikell, Rains, Sanderford and Williams.

—11

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Coburn, Curry, Davis, Ford, Freeman, Fuller, Gaston, Gray, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey,

Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—70

H. 177 RESUMED
AMENDMENT OFFERED

Rep. Mikell offered the following amendment #6 to the bill, H. 177 as amended:

Amend H. B. 177, page 11, Section 13, Line 20, by striking the following language: Four percent (4%) and adding in lieu thereof the following: eleven percent (11%)

AMENDMENT TABLED

On motion of Rep. Richardson, the amendment #6 offered by Rep. Mikell to the bill, H. 177 as amended, was tabled.

Yeas 39; Nays 32.

Yeas:

Mr. Speaker, Beasley, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Coburn, Davis, Freeman, Fuller, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Newman, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—39

Nays:

Reps. Adams, Beers, Biddle, Blakeney, Britnell, Brooks, Crow, Curry, Flowers, Ford, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Laird, Marks, McKee, Mikell, Moon, Parker, Payne, Poole, Sanderford, Turnham, Warren, Willis and Wright.

—32

AMENDMENT OFFERED

Rep. Frazier offered the following amendment #6 to the bill, H. 177 as amended:

Amend H. B. 177, page 13, Section 15, Line 12, by striking the following language: Thirty-three percent (33%) and adding in lieu thereof the following: Fifty percent (50%)

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment #6 offered by Rep. Frazier to the bill, H. 177 as amended, was tabled.

Yeas 34; Nays 28.

Yeas:

Reps. Beasley, Biddle, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Coburn, Davis, Freeman, Goodwin, Hall, Harper, Harvey, Haynes,

Higginbotham, Holmes, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, Newman, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—34

Nays:

Reps. Beers, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Hill, Hogan, Holley, Laird, Logan, McKee, Mikell, Payne, Petelos, Sanderford, Turnham, Warren, Willis and Wright.

—28

And the bill, H. 177 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 31.

Yeas:

Reps. Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Coburn, Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Layson, Marietta, Mathis, Newman, Penry, Richardson, Rogers, Slaughter, Starkey, Thomas, White (F), White (G), White (L) and Zoghby.

—33

Nays:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Brooks, Butler, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gray, Harvey, Hill, Hogan, Holley, Logan, McKee, Mikell, Moon, Parker, Payne, Petelos, Poole, Rains, Sanderford, Turnham, Warren and Wright.

—31

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Laird, Marks, Grouby, Hamilton and Britnell would have voted "Nay" on the bill, H. 177, had they been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 208. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business beginning on Thursday, March 9, 1989, the 11th legislative day, taking precedence over the regular order of business, any unfinished business, or any pending Special Orders and continuing on subsequent legislative days until said bills are disposed of:

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And the following bills:

Inst Id	Page
<u>H. 642</u> —By Rep. Harper (As Amended)	95
Approps., Ala. Dev. Office, Forestry Comm., Historical Comm., Econo. & Community Affairs Dept., Agriculture & Industries Dept., Bureau of Tourism and Travel, reduced	
<u>H. 598</u> —By Rep. Harper	126
State Board of Ed., approp. for financial assistance to local bds. reduced.	
<u>H. 596</u> —By Rep. Harper (As Substituted)	131
State Board of Ed., approp. to for Junior College School System reduced.	
<u>H. 597</u> —By Rep. Harper (As Substituted)	126
Technical College System, approp. to st. bd. of ed. for reduced	
<u>H. 599</u> —By Rep. Harper	128
Mental Health and Mental Retardation Dept.; approp. to reduced	
<u>H. 600</u> —By Rep. Harper	129
Public Library Service, approp. to reduced	
<u>H. 601</u> —By Rep. Harper	127
Arts Council, approp. to reduced.	
<u>H. 595</u> —By Rep. Harper (As Substituted)	121
Appropriations reduced for certain state and non-state agencies, made from sp. ed. trust fund, for fiscal yr. ending Sept. 30, 1989.	
<u>H. 646</u> —By Rep. Harper	132
Flowers Special School, approp.	
<u>H. 647</u> —By Rep. Harper	132
Valley Haven School, approp.	
<u>H. 659</u> —By Rep. Harper	129
Watermelon Association, approp.	
<u>H. 663</u> —By Rep. Harper	127
Festival Park, Inc., approp.	
<u>H. 656</u> —By Rep. Harper	123
Airport Hills Community, approp.	
<u>H. 669</u> —By Rep. Hill (As Substituted)	123
Shelby Co. Historical Society, general fund, approp.	

<u>H. 643</u> —By Rep. Harper (As Substituted)	122
Various schools and local bds. of ed., approp.	
<u>H. 660</u> —By Rep. Harper (As Substituted)	121
Local fire depts., approp.	
<u>H. 644</u> —By Rep. Harper (As Substituted)	95
Hale Co., Limestone Co., Mobile Co., Perry Co., approp.	
<u>H. 645</u> —By Rep. Harper (As Substituted)	131
Municipalities, general governmental purposes, approp.	
Rep. Carter offered the motion to adopt the resolution, H. R. 208.	

SUBSTITUTE OFFERED

Rep. Hill offered the following substitute to the resolution, H. R. 208:

Substitute to H. R. 208 after the word bills on line 12 add the following bills: Baseball—Begin with the member whose name is first in the alphabet and then the member whose last in the alphabet alternating back and forth until the house adjourns.

SUBSTITUTE TABLED

On motion of Rep. Carter, the substitute offered by Rep. Hill to the resolution, H. R. 208, was tabled.

Yeas 69; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

Nays:

Reps. Blakeney, Breedlove, Brooks, Drake, Flowers, Frazier, Goodwin, Hammett, Hill, McKee, McMillan, Mikell, Sanderford and Venable.

—14

SUBSTITUTE OFFERED

Rep. Mikell offered the following substitute to the resolution, H. R. 208:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of

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business beginning on Thursday, March 9, 1989, the 11th legislative day, taking precedence over the regular order of business, any unfinished business, or any pending Special Orders and continuing on subsequent legislative days until said bills are disposed of:

And the following bills:

Inst Id	Page
<u>H. 642</u> —By Rep. Harper (As Amended)	95
Approps., Ala. Dev. Office, Forestry Comm., Historical Comm., Econo. & Community Affairs Dept., Agriculture & Industries Dept., Bureau of Tourism and Travel, reduced	
<u>H. 598</u> —By Rep. Harper	126
State Board of Ed., approp. for financial assistance to local bds. reduced.	
<u>H. 596</u> —By Rep. Harper (As Substituted)	131
State Board of Ed., approp. to for Junior College School System reduced.	
<u>H. 597</u> —By Rep. Harper (As Substituted)	126
Technical College System, approp. to st. bd. of ed. for reduced	
<u>H. 599</u> —By Rep. Harper	128
Mental Health and Mental Retardation Dept.; approp. to reduced	
<u>H. 600</u> —By Rep. Harper	129
Public Library Service, approp. to reduced	
<u>H. 601</u> —By Rep. Harper	127
Arts Council, approp. to reduced.	
<u>H. 595</u> —By Rep. Harper (As Substituted)	121
Appropriations reduced for certain state and non-state agencies, made from sp. ed. trust fund, for fiscal yr. ending Sept. 30, 1989.	
<u>H. 646</u> —By Rep. Harper	132
Flowers Special School, approp.	
<u>H. 647</u> —By Rep. Harper	132
Valley Haven School, approp.	
<u>H. 659</u> —By Rep. Harper	129
Watermelon Association, approp.	
<u>H. 663</u> —By Rep. Harper	127
Festival Park, Inc., approp.	

<u>H. 656</u> —By Rep. Harper	123
Airport Hills Community, approp.	
<u>H. 669</u> —By Rep. Hill (As Substituted)	123
Shelby Co. Historical Society, general fund, approp.	
<u>H. 643</u> —By Rep. Harper (As Substituted)	122
Various schools and local bds. of ed., approp.	
<u>H. 660</u> —By Rep. Harper (As Substituted)	121
Local fire depts., approp.	
<u>H. 644</u> —By Rep. Harper (As Substituted)	95
Hale Co., Limestone Co., Mobile Co., Perry Co., approp.	

MOTION TO INDEFINITELY POSTPONE

Rep. Mikell offered the motion to indefinitely postpone the substitute and the resolution, H. R. 208.

MOTION IN WRITING

Rep. Freeman offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 49; Nays 29.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Box, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Crow, Curry, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Lindsey, Logan, Marietta, Marks, McDowell, Newman, Parker, Payne, Penry, Richardson, Slaughter, Starkey, Turner, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—49

Nays:

Reps. Adams, Breedlove, Brooks, Buskey (JE), Coburn, Dillard, Drake, Escott, Flowers, Frazier, Goodwin, Gray, Hamilton, Hammett, Harvey, Headley, Hill, Kvalheim, McKee, McMillan, Mikell, Newton (D), Perdue, Poole, Rogers, Sanderford, Spratt, Turnham and Venable.

—29

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Rep. Mikell to indefinitely postpone the substitute to the resolution, H. R. 208, offered by him, and the resolution, H. R. 208, and the motion was lost.

Yeas 17; Nays 69.

Yeas:

Reps. Blakeney, Breedlove, Brooks, Drake, Flowers, Goodwin, Gray, Hamilton, Hammett, Harvey, Headley, Hill, McKee, McMillan, Mikell, Sanderford and Venable.

—17

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Ford, Fuller, Gaston, Grouby, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

The question was then on the adoption of the substitute offered by Rep. Mikell to the resolution, H. R. 208, and the substitute was lost.

Yeas 15; Nays 74.

Yeas:

Reps. Blakeney, Breedlove, Brooks, Drake, Flowers, Frazier, Goodwin, Hamilton, Hammett, Harvey, McKee, McMillan, Mikell, Sanderford and Venable.

—15

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Ford, Fuller, Gaston, Grouby, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H. R. 208, and the resolution was adopted.

Yeas 73; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell,

Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Ford, Frazier, Fuller, Gaston, Grouby, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

Nays:

Reps. Blakeney, Breedlove, Brooks, Drake, Flowers, Hamilton, Hammett, Harvey, Hill, McKee, McMillan, Mikell, Sanderford and Venable.

—14

MOTION IN WRITING FILED

Rep. Johnson (RW) filed the following Motion in Writing:

Masons Sec. 357(B), page 240

I move that debate on all bills on the Special Order Calendar be limited to 10 minutes. At the end of no more than 10 minutes a final vote will be taken on the bill and all pending amendments.

MOTION IN WRITING

Rep. Freeman offered the following Motion in Writing:

I move the previous question on Johnson, Roy motion.

And the Motion in Writing was adopted.

Yeas 56; Nays 22.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Box, Britnell, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Petelos, Richardson, Rogers, Slaughter, Starkey, Thomas, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—56

Nays:

Reps. Adams, Blakeney, Breedlove, Brooks, Buskey (JE), Drake, Gray, Hamilton, Hammett, Harvey, Headley, Hill, Kvalheim, McKee, McMillan, Mikell, Poole, Rains, Sanderford, Turner, Turnham and Venable.

—22

MOTION IN WRITING ADOPTED

On motion of Rep. Freeman, the Motion in Writing offered by Rep. Johnson (RW) was adopted.

Yeas 68; Nays 19.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—68

Nays:

Reps. Adams, Breedlove, Brooks, Cosby, Drake, Gray, Hamilton, Hammett, Headley, Hill, Kvalheim, McKee, McMillan, Mikell, Poole, Rains, Sanderford, Turner and Venable.

—19

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 642, was adopted.

Yeas 76; Nays 11.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

Nays:

Reps. Blakeney, Breedlove, Brooks, Hamilton, Hammett, Headley, Hill, McKee, McMillan, Mikell and Sanderford.

—11

And the bill:

H. 642. (With Amendment): To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary

expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 642, and to the amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 88-953 passed by the Legislature in the 1988 Second Extraordinary Session is hereby amended to include the following new Section.

"Section 8A.

The appropriations made herein from the State General Fund to the following agencies shall be reduced by the following amounts for the fiscal year ending September 30, 1989. Said amounts shall revert to the credit of the State General Fund.

Alabama Development Office	\$200,000
Alabama Forestry Commission	\$366,000
Alabama Historical Commission	\$530,000
Alabama Department of Economic and Community Affairs	\$370,000
Department of Agriculture and Industries	\$150,000
Department of Environmental Management	\$100,000
Bureau of Tourism and Travel	\$100,000"

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Laird, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

Nays:

Reps. Blakeney, Brooks, Cosby, Drake, Hamilton, Hammett, Harvey, McKee, McMillan, Mikell, Sanderford and Venable.

—12

And the bill:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nays:

Reps. Blakeney, Brooks, Cosby, Drake, Flowers, Gray, Hamilton, Hammett, Hill, McKee, McMillan, Mikell, Sanderford and Venable.

—14

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 598, was adopted.

Yeas 70; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Escott, Ford, Fuller, Gaston, Grouby, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—70

Nays:

Reps. Blakeney, Brooks, Cosby, Drake, Gray, Hamilton, Hammett, Harvey, McKee, McMillan, Mikell and Sanderford.

—12

And the bill:

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 598:

A BILL TO BE ENTITLED AN ACT

To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The appropriation made in Act No. 88-692 passed in the 1988 First Extraordinary Session to the State Board of Education—Financial Assistance to Local Boards from the Alabama Special Educational Trust Fund in Section 3(A)(7) subsection (27) is hereby reduced by the sum of

\$2,160,937 for the fiscal year ending September 30, 1989. Said amount shall revert to the credit of the Alabama Special Educational Trust Fund upon the passage of this Act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Hill offered the following substitute to the substitute offered by Rep. Harper to the bill, H. 598:

A BILL TO BE ENTITLED AN ACT

To make appropriations to Local Boards of Education in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of five million six hundred thirty-five thousand nine hundred thirty-seven dollars (\$5,635,937) from the Alabama Special Educational Trust Fund to the various Local Boards of Education for the fiscal year ending September 30, 1989. Furthermore said appropriation shall be distributed to each local board of education based on the ratio that that board's first month enrollment data in Kindergarten through the twelfth grade for school year 1988-89 bears to the statewide first month enrollment total for kindergarten through the twelfth grade for school year 1988-89.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Harper, the substitute offered by Rep. Hill was tabled.

Yeas 66; Nays 17.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Hall, Harper, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW),

Kennedy, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Rains, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

Nays:

Reps. Blakeney, Brooks, Cosby, Drake, Flowers, Gray, Grouby, Hamilton, Hammett, Harvey, Kvalheim, Laird, McKee, McMillan, Mikell, Sanderford and Venable.

—17

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Harper to the bill, H. 598, and the substitute was adopted.

Yeas 73; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Clark (W), Coburn, Crow, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Mathis, McDowell, McKee, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), Willis, Wright and Zoghby.

—73

Nays: Reps. Blakeney, Brooks, McMillan, Mikell and Sanderford.

—5

And the bill, H. 598 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

Nays:

Reps. Breedlove, Brooks, Cosby, Frazier, Hammett, McKee, Mikell and Sanderford.

—8

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 596, was adopted.

Yeas 75; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—75

Nays:

Reps. Breedlove, Brooks, Cosby, Hammett, McKee, Mikell and Sanderford.

—7

And the bill:

H. 596. (With Substitute): To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$182,185.50 for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The appropriation made in Act No. 88-692 passed in the 1988 First Extraordinary Session to the State Board of Education—Junior College System from the Alabama Special Educational Trust Fund is hereby reduced by the sum of \$382,685.50 for the fiscal year ending September 30,

1989. Said amount shall revert to the credit of the Alabama Special Educational Trust Fund upon the passage of this Act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 5.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—71

Nays: Reps. Brooks, Cosby, McKee, Mikell and Sanderford.

—5

And the bill:

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

—74

Nays:

Reps. Blakeney, Brooks, Cosby, Frazier, McKee, Mikell and Sanderford.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 597, was adopted.

Yeas 74; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—74

Nays: Reps. Blakeney, Brooks, McKee and Sanderford.

—4

And the bill:

H. 597. (With Substitute): To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$348,576 for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The appropriation made in Act No. 88-692 passed in the 1988 First Extraordinary Session to the State Board of Education—Technical College System from the Alabama Special Educational Trust Fund is hereby reduced by the sum of \$639,076 for the fiscal year ending September 30, 1989. Said amount shall revert to the credit of the Alabama Special Educational Trust Fund upon the passage of this Act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter,

Clark (W), Coburn, Crow, Curry, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—70

Nays:

Reps. Breedlove, Brooks, Frazier, Hamilton, Hill, McKee, Mikell and Sanderford.

—8

And the bill:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Breedlove, Brooks, Frazier, Gray, Hamilton, Harvey, Hill and Sanderford.

—8

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 599, was adopted.

Yeas 71; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Britnell, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan,

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Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—71

Nays: Reps. Breedlove, Brooks, Hamilton, Harvey, Hill and Sanderford. —6

And the bill:

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 11.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nays:

Reps. Biddle, Breedlove, Brooks, Cosby, Gray, Hamilton, Harvey, Headley, Hill, McKee and Sanderford.

—11

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 600, was adopted.

Yeas 66; Nays 8.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Coburn, Curry, Davis, Escott, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

Nays:

Reps. Bowling, Breedlove, Brooks, Frazier, Hamilton, Harvey, McKee and Sanderford.

—8

And the bill:

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 13.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Davis, Escott, Freeman, Fuller, Gaston, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Mathis, McDowell, Melton, Moon, Newman, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

Nays:

Reps. Bowling, Breedlove, Brooks, Flowers, Frazier, Gray, Grouby, Hamilton, Headley, McKee, Parker, Payne and Sanderford.

—13

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations for the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 642 as engrossed, was ordered sent to the Senate.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 601, was adopted.

Yeas 67; Nays 7.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Mathis, McDowell, Melton, Moon, Newman, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Willis, Wright and Zoghby.

—67

Nays:

Reps. Breedlove, Brooks, Hamilton, Headley, Hill, McKee and Sanderford.

—7

And the bill:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 8.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Williams, Willis and Wright.

—71

Nays:

Reps. Breedlove, Brooks, Gray, Grouby, Hamilton, Hill, McKee and Sanderford.

—8

H. 595 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the Budget Isolation Resolution and the bill, H. 595, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 646, was adopted.

Yeas 76; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—76

Nays: Reps. Brooks, Gray, Harvey and Sanderford.

—4

And the bill:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

Nays:

Reps. Brooks, Gray, Harvey, Hill, McKee, Mikell and Sanderford.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 647, was adopted.

Yeas 71; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper,

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Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays: Reps. Brooks, Gray, Harvey, Headley and Sanderford.

—5

And the bill:

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nays: Reps. Brooks, Gray, Harvey, McKee and Sanderford.

—5

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 659, was adopted.

Yeas 75; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—75

Nays:

Reps. Brooks, Gray, Hamilton, Hill, McKee, Mikell and Sanderford.

—7

And the bill:

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Brooks, Gray, Hamilton, Hill, McKee, Mikell and Sanderford.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 663, was adopted.

Yeas 74; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Brooks, Gray, Hamilton, Hill, McKee, Mikell and Sanderford.

—7

And the bill:

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

Nays: Reps. Brooks, Gray, Hamilton, Hill, McKee and Mikell.

—6

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 656, was adopted.

Yeas 74; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Freeman, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Breedlove, Brooks, Gray, Hamilton, Hill, McKee, Mikell and Sanderford.

—8

And the bill:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

Nays:

Reps. Breedlove, Brooks, Gray, Hamilton, Hill, McKee and Sanderford.

—7

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 657.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 657, was adopted.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Freeman, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

Nays:

Reps. Blakeney, Breedlove, Brooks, Gray, Hamilton, Hill, McKee, Mikell, Rains and Sanderford.

—10

And the bill:

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—72

Nays:

Reps. Blakeney, Breedlove, Brooks, Gray, McKee, Mikell and Sanderford.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hill Budget Isolation Resolution relating to H. B. 669, was adopted.

Yeas 77; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

Nays:

Reps. Blakeney, Breedlove, Brooks, Gray, Hill, McKee and Sanderford.

—7

And the bill:

H. 669. (With Substitute): To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1989, there is hereby appropriated to the Shelby County Historical Society from the State General Fund the sum of eight thousand dollars (\$8,000).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88, and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipts of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

And the substitute was adopted.

Yeas 71; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Turner, Turnham, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Breedlove, Brooks, Gray, Harvey, Hill, McKee, Mikell, Sanderford and Warren.

—9

And the bill:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

As thus amended, was read a third time at length and passed, and ordered engrossed.

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Yeas 75; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—75

Nays:

Reps. Breedlove, Brooks, Gray, McKee, Sanderford, Thomas and Warren.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 643, was adopted.

Yeas 77; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

Nays: Reps. Brooks, Gray, Harvey, McKee, Mikell and Sanderford.

—6

And the bill:

H. 643. (With Substitute): To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 643:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30,

1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of five million five hundred seventy thousand five hundred twenty-two dollars (\$5,570,522) from the Alabama Special Educational Trust Fund to the following public educational institutions for the fiscal year ending September 30, 1989:

Alabama Aviation and Technical College	20,000
Alabama State University	4,000
Alberta Elementary School—Wilcox County Board of Education	500
Alberta Shields Elementary School— Birmingham City Board of Education	2,000
Albertville City Board of Education	50,000
Alexander City State Junior College	40,000
Alexander City Jr. High School— Alexander City Board of Education	3,000
Anniston City Board of Education	200,000
Arab City Board of Education	25,000
Arthur Elementary School— Birmingham City Board of Education	1,000
Ashford Elementary School—Houston County Board of Education	5,000
Ashford High School—Houston County Board of Education	20,000
Athens State College	150,000
Atmore State Technical College	100,000
Auburn City Board of Education	25,000
Auburn University	100,000
Baldwin County Board of Education	60,000
Barbour County Board of Education	75,000
Bellingrath Junior High School—Montgomery County Board of Education	5,000
Benjamin Russell High School— Alexander City Board of Education	3,000
Bessemer City Board of Education	44,000
Beverlye Middle School—Dothan City Board of Education	3,000

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Birmingham City Board of Education	39,000
Birmingham Community Education Program— Birmingham City Board of Education	26,000
Bishop State Jr. College	125,000
Boykin Elementary School—Wilcox County Board of Education	500
Brantley Elementary School—Dallas County Board of Education	1,000
Brewton City Board of Education	10,000
C. A. Donehoo Elementary School— Gadsden City Board of Education	2,000
C. A. Fredd State Technical College	10,000
Cahaba Heights Elementary School— Jefferson County Board of Education	10,000
Calhoun County Board of Education	66,650
Calhoun High School—Lowndes County Board of Education	2,500
Camp Hill High School/Edward Bell High School— Tallapoosa County Board of Education	3,000
Camden Academy Middle School—Wilcox County Board of Education	500
Carnegie Library—City of Eufaula	50,000
Carrie A. Tuggle Elementary School— Birmingham City Board of Education	2,000
Carver Elementary School—Montgomery County Board of Education	5,000
Carver Junior High School—Montgomery County Board of Education	5,000
Carver Senior High School—Montgomery County Board of Education	5,000
Carver Middle School—Dothan City Board of Education	1,000
Center Point Elementary School—Jefferson County Board of Education	2,500
Central Elementary School—Lowndes County Board of Education	1,000
Central High School—Lowndes County Board of Education	2,500
Chalkville Elementary School—Jefferson County Board of Education	2,500
Chambers County Board of Education	25,000

Chambers County Public Library	25,000
Cherokee County Board of Education	30,000
Choctaw County Board of Education	38,000
City of Alexander City Library	5,500
City of Dadeville Library	5,500
City of Gurley Public Library	6,500
City of New Hope Public Library	6,500
City of Scottsboro Public Library	6,500
City of Woodville Public Library	6,500
Clay County Board of Education	6,000
Clay Elementary School—Jefferson County Board of Education	2,500
Cleburne County Board of Education	15,000
Clyde E. Kirby Middle School—Birmingham City Board of Education	2,000
Cloverdale Elementary School—Dothan City Board of Education	3,000
Coffee County Board of Education	56,050
Conecuh County Board of Education	25,000
Cory Middle School—Gadsden City Board of Education	2,000
Cottonwood High School—Houston County Board of Education	5,000
Curry Elementary School—Walker County Board of Education	2,941
Curry High School—Walker County Board of Education	2,941
Curry Middle School—Walker County Board of Education	2,941
Curtiston Elementary School—Attalla City Board of Education	2,000
Dadeville Elementary School—Tallapoosa County Board of Education	3,000
Dadeville High School—Tallapoosa County Board of Education	3,000
Daisy Lawrence Elementary School—Montgomery County Board of Education	4,000
Dale County Board of Education	25,000
Daleville City Board of Education	35,000

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Dallas County Board of Education	9,254
Davis Elementary School—Montgomery County Board of Education	4,000
Decatur City Board of Education	8,000
DeKalb County Board of Education	65,000
Disque Middle School—Gadsden City Board of Education	1,000
Dora High School—Walker County Board of Education	2,941
Dothan High School—Dothan City Board of Education	9,000
East Side Middle School—Selma City Board of Education	1,000
East End Elementary School—Selma City Board of Education	1,000
Educational Television—for scholastic competitions	50,000
Elba City Board of Education	37,350
Emma Sanson High School—Gadsden City Board of Education	1,000
Empire Junior High School—Walker County Board of Education	2,941
Enterprise City Board of Education	106,600
Erwin Elementary School—Jefferson County Board of Education	2,500
Erwin High School—Jefferson County Board of Education	5,000
Erwin Jr. High School—Jefferson County Board of Education	3,500
Escambia County Board of Education	40,000
Etowah County Board of Education	53,500
Etowah High School—Attalla City Board of Education	2,000
Etowah Middle School—Special Education— Attalla City Board of Education	11,000
Etowah Middle School—Attalla City Board of Education	2,000
Eufaula City Board of Education	75,000
Eura Brown Elementary School—Gadsden City Board of Education	2,000
Fairfield City Board of Education	40,000

Farmstead Junior High School—Walker County Board of Education	2,941
Fayette County Board of Education	22,500
Florence City Board of Education	10,000
Fort Deposit Elementary School—Lowndes County Board of Education	1,000
Ft. Payne City Board of Education	15,000
Gadsden City Board of Education	57,500
Gadsden High School—Gadsden City Board of Education	1,000
Gadsden State Community College	15,000
Gate City Elementary—Birmingham City Board of Education	1,000
Geneva City Board of Education	30,000
Geneva County Board of Education	70,000
George C. Wallace Community College at Hanceville	100,000
Girard Middle and Elementary School—Dothan City Board of Education	3,000
Grandview Elementary School—Dothan City Board of Education	3,000
Grantswood Elementary School—Jefferson County Board of Education	8,000
Greene County Board of Education	17,000
Gresham Middle School—Jefferson County Board of Education	7,000
Hackneyville High School—Tallapoosa County Board of Education	3,000
Hale County Board of Education	29,056
Harmon Elementary School—Houston County Board of Education	1,000
Harrison Elementary School—Montgomery County Board of Education	4,000
Hartselle City Board of Education	22,000
Hayes High School—Birmingham City Board of Education	1,000
Hayneville Middle School—Lowndes County Board of Education	1,500
Hayneville Road Elementary School—Montgomery County Board of Education	4,000

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Heard Elementary—Dothan City Board of Education	3,000
Henry County Board of Education	25,000
Hewitt Trussville Elementary School—Jefferson County Board of Education	2,500
Hewitt Trussville High School—Jefferson County Board of Education	5,000
Hewitt Trussville Jr. High School—Jefferson County Board of Education	3,500
Hewitt Trussville Middle School—Jefferson County Board of Education	2,500
Highlands Elementary School—Dothan City Board of Education	1,000
Homewood City Board of Education	50,000
Honeysuckle Middle School—Dothan City Board of Education	3,000
Hoover City Board of Education	45,000
Horseshoe Bend Regional Library	5,500
Houston County High School—Houston County Board of Education	10,000
Huffman High School—Birmingham City Board of Education	5,500
Huntsville City Board of Education	84,000
Jackson County Board of Education	29,500
Jacksonville City Board of Education	10,750
J. E. Hobbs Elementary School—Wilcox County Board of Education	500
Jefferson County Board of Education	205,000
Jefferson State Community College	50,000
Jesse Dean Smith Elementary School—Gadsden City Board of Education	2,000
Jim Pearson School—Alexander City Board of Education	3,000
L. M. Smith Jr. High School—Birmingham City Board of Education	1,000
Lamar County Board of Education	21,000
Laurel School—Alexander City Board of Education	3,000
Lee County Board of Education	75,000

Leeds Elementary School—Jefferson County Board of Education	5,000
Leeds Middle School—Jefferson County Board of Education	5,000
Litchfield High School—Gadsden City Board of Education	2,000
Lowndes County Board of Education	10,000
Lowndes Middle School—Lowndes County Board of Education	1,500
McArthur Elementary School—Birmingham City Board of Education	2,000
McIntyre Junior High School—Montgomery County Board of Education	1,000
McMillan Elementary School—Montgomery County Board of Education	4,000
Maddox Middle School—Jasper City Board of Education	2,941
Madison County Board of Education	78,000
Marion County Board of Education	31,500
Marshall County Board of Education	30,000
Memorial Park Elementary School—Jasper City Board of Education	2,941
Midfield City Board of Education	14,000
Mobile County Board of Education	509,000
Monroe County Board of Education	25,000
Montana Elementary School—Dothan City Board of Education	1,000
Montgomery County Board of Education	50,000
Moore Academy Elementary School—Wilcox County Board of Education	500
Morgan County Board of Education	20,000
Mountain Brook City Board of Education	60,000
New Site High School—Tallapoosa County Board of Education	3,000
North Alabama Educational Opportunity Center— University of Alabama in Huntsville	35,000
Northview High School—Dothan City Board of Education	7,000
Northwest Alabama State Junior College	50,000

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Norwood Elementary School—Birmingham City Board of Education	2,000
Oscar Adams Elementary School—Special Education— Gadsden City Board of Education	11,000
Oscar Adams Elementary School—Gadsden City Board of Education	2,000
Oxford City Board of Education	24,700
Ozark City Board of Education	30,000
Ozark City Library	10,000
Patterson Elementary School—Birmingham City Board of Education	1,000
Pell City Board of Education	20,000
Perry County Board of Education	16,690
Phillips High School—Birmingham City Board of Education	5,000
Pickens County Board of Education	45,000
Piedmont City Board of Education	7,925
Pine Hill Elementary School—Wilcox County Board of Education	500
Pine Hill High School—Wilcox County Board of Education	500
Pine Hill Middle School—Wilcox County Board of Education	500
Pinson Elementary School—Jefferson County Board of Education	2,500
Pinson High School—Jefferson County Board of Education	5,000
Powell Elementary School—Birmingham City Board of Education	2,000
Randolph County Board of Education	6,000
Reeltown High School—Tallapoosa County Board of Education	3,000
Rehobeth High School—Houston County Board of Education	5,000
Roanoke City Board of Education	6,000
Robinson Community School—Birmingham City Board of Education	1,000
Robinson Elementary—Birmingham City Board of Education	1,000
Rudd Jr. High School—Jefferson County Board of Education	3,500

Russell Elementary School—Lowndes County Board of Education	1,000
Scottsboro City Board of Education	15,000
Selma Elementary—Dothan City Board of Education	3,000
Shrine School for Exceptional—Jasper City Board of Education	2,941
Sipsey Junior High School—Walker County Board of Education	2,941
Southlawn Elementary School—Montgomery County Board of Education	5,000
Southside Elementary—Dothan City Board of Education	1,000
Southwest State Technical College	100,000
St. Clair County Board of Education	30,000
Stower's Hill Elementary School—Attalla City Board of Education	2,000
Stringer Elementary School—Dothan City Board of Education	1,000
Sumiton Elementary Middle School—Walker County Board of Education	2,941
Sumter County Board of Education	20,000
Sylacauga City Board of Education	100,000
T. R. Simmons Elementary School—Jasper City Board of Education	2,941
T. S. Boyd Elementary School—Walker County Board of Education	2,941
Talladega City Board of Education	45,000
Talladega County Board of Education	95,000
Tarrant City Board of Education	6,000
Tates Chapel Elementary School—Wilcox County Board of Education	500
Theodore A. Lawson State Community College	6,000
Troy State University System	75,000
Tuscaloosa City Board of Education	50,000
Tuscaloosa County Board of Education	295,000
University of Alabama at Birmingham	25,000
University of Alabama at Birmingham— Special Services	25,000

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University of Alabama in Huntsville— Johnson Research Center	41,000
University of North Alabama	35,000
Valley Junior High School—Walker County Board of Education	2,941
Vestavia Hills City Board of Education	30,000
Vocational School Literacy Program—Wilcox County Board of Education	3,500
W. C. Davis Elementary School—Birmingham City Board of Education	2,000
W. J. Jones High School—Wilcox County Board of Education	500
Walker Area Vocational School—Walker County Board of Education	2,941
Walker High School—Jasper City Board of Education	2,941
Walnut Park Elementary School—Gadsden City Board of Education	2,000
Webb Junior High School—Houston County Board of Education	1,000
West End Elementary School—Etowah County Board of Education	3,000
West End High School—Etowah County Board of Education	7,000
West Jasper Elementary School—Jasper City Board of Education	2,941
White Hall Elementary School—Lowndes County Board of Education	1,000
Wilcox County Board of Education	10,000
Wilcox County Consolidated School—Wilcox County Board of Education	5,000
Wilcox County High School—Wilcox County Board of Education	500
Wilcox County Vocation School/VICA Program— Wilcox County Board of Education	500
Wilcox Training School—Wilcox County Board of Education	500
Wilkerson Elementary School—Birmingham City Board of Education	5,000
William L. Radney School—Alexander City Board of Education	3,000

Wilson Elementary School—Dothan	
City Board of Education	1,000
Winfield City Board of Education	25,000
Woodlawn Community School—Birmingham	
City Board of Education	1,000
Woodlawn High School—Birmingham	
City Board of Education	32,000

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Harper was adopted.

Yeas 74; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—74

Nays: Reps. Brooks, Gray, Harvey and Mikell.

—4

AMENDMENT OFFERED

Rep. Breedlove offered the following amendment to the bill, H. 643 as amended:

Amend Substitute to H. B. 643, Page 2, Section 1, Line 8 after the word "Education" by striking ~~200,000~~ and inserting the following: 195,000

Further amend on Line 16, after the word "College" by striking ~~150,000~~ and inserting the following: 145,000

Further amend on Line 17, after the word "College" by striking ~~100,000~~ and inserting the following: 95,000

Further amend on Line 19, after the word "University" by striking ~~100,000~~ and inserting the following: 95,000

Further amend on Line 33, after the word "College" by striking the following: ~~125,000~~ and inserting the following: 120,000

Further amend on Page 4, Section 1, immediately following Line 12 by adding the following language:

Clarke County Board of Education 25,000

Further amend on Page 5, Section 1, Line 30, after the word "Education" by striking ~~106,600~~ and inserting the following: 101,600

Further amend on Page 6, Section 1, Line 30, after the word "Hanceville" by striking ~~100,000~~ and inserting the following: 95,000

Further amend on Page 8, Section 1, Line 7, after the word "Education" by striking ~~84,000~~ and inserting the following: 109,000

Further amend on Page 9, Section 1, Line 11, after the word "Education" by striking ~~500,000~~ and inserting the following: 499,000

Further amend on Page 12, Section 1, immediately following Line 20 by inserting following language:

Washington County Board of Education 25,000

AMENDMENT LOST

And the amendment was lost.

Yeas 15; Nays 42.

Yeas:

Reps. Biddle, Blakeney, Brooks, Bugg, Gray, Higginbotham, Hooper, Kvalheim, McKee, Mikell, Payne, Richardson, Sanderford, Spratt and Warren.

—15

Nays:

Mr. Speaker, Beasley, Beers, Black, Bowling, Bryant, Burke, Buskey (JE), Carothers, Clark (W), Crow, Davis, Escott, Freeman, Fuller, Hall, Harper, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Logan, Marietta, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Rogers, Slaughter, Starkey, Thomas, White (F), White (G), White (L), Willis and Zoghby.

—42

And the bill, H. 643 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nays:

Reps. Blakeney, Brooks, Flowers, Gray, McKee, Mikell and Sanderford.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 660, was adopted.

Yeas 70; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—70

Nays: Reps. Brooks, Gray, McKee, Mikell and Sanderford.

—5

And the bill:

H. 660. (With Substitute): To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 660:

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the State General Fund the amount of two hundred forty-five thousand dollars (\$245,000) for the fiscal year ending September 30, 1989, to be distributed to the following fire departments in the amounts listed.

Ivalee	\$ 500
Egypt	\$ 500
Sand Valley	\$ 500
Mountainboro	\$ 500

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Kenner	\$ 500
Block Creek	\$ 500
Highland	\$ 500
Lookout	\$ 500
Ohatchee	\$ 1,000
Oxford	\$ 1,000
Coldwater	\$ 1,000
Eastaboga	\$ 1,000
Gallant	\$ 1,000
Walnut Grove	\$ 1,000
Altoona	\$ 1,000
Whorton Bend	\$ 1,000
Sand Valley	\$ 1,000
Trussville	\$ 1,000
Palmerdale	\$ 1,000
Center Point	\$33,500
Hazel Green	\$ 2,000
Moore's Mill	\$ 2,000
Hazel Green #1	\$ 1,000
Hazel Green #2	\$ 1,000
New Market	\$ 1,000
New Market at Plevna	\$ 1,000
Central #1	\$ 1,000
Central #2 at Brownsboro	\$ 1,000
Killingsworth Cove	\$ 1,000
Gurley	\$ 1,000
Keel Mountain	\$ 1,000
Big Cove	\$ 1,000
New Hope	\$ 1,000
Town of Paint Rock	\$ 1,000
Paint Rock Valley #1	\$ 1,000
Paint Rock Valley #2	\$ 1,000
Paint Rock Valley #3	\$ 1,000
High Top	\$ 1,000

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Skyline #1	\$ 1,000
Skyline #2	\$ 1,000
Pleasant Grove	\$ 1,000
Woodville	\$ 1,000
Scottsboro	\$ 1,000
Bethel, Jacksons Gap	\$ 1,000
Camp ASCCA	\$ 1,000
Camp Hill	\$ 1,000
Dadeville	\$ 1,000
Daviston	\$ 1,000
Girls Ranch	\$ 1,000
Mt. Olive	\$ 1,000
Echola	\$ 1,000
Mayfield	\$ 1,000
Zion	\$ 1,000
Palmetta	\$ 1,000
Liberty	\$ 1,000
Forest	\$ 1,000
McShan	\$ 1,000
Pickensville	\$ 1,000
Speeds Mill	\$ 1,000
Sapps	\$ 1,000
Memphis	\$ 1,000
Ethelsville	\$ 1,000
Kirk	\$ 1,000
Reform	\$ 1,000
Gordo	\$ 1,000
Carrollton	\$ 1,000
Aliceville	\$ 1,000
Semmes	\$ 1,000
Creola	\$ 1,000
Oak Grove	\$ 1,000
Citronelle	\$ 1,000
Wilmer	\$ 1,000

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Georgetown	\$ 1,000
Seven Hills	\$ 1,000
Tanner-Williams	\$ 1,000
Turnerville	\$ 1,000
Mt. Vernon	\$ 1,000
Beat I—Monroe County	\$ 1,000
Beatrice	\$ 1,000
Excel	\$ 1,000
Finchbury	\$ 1,000
Franklin	\$ 1,000
Mexia	\$ 1,000
Monroeville	\$ 1,000
Frisco City	\$ 1,000
Peterman	\$ 1,000
Uriah	\$ 1,000
Vredenburgh	\$ 1,000
Goodway	\$ 1,000
Belleville	\$ 1,000
Bermuda	\$ 1,000
Brownville-Owassa	\$ 1,000
Burnt Corn	\$ 1,000
Castleberry	\$ 1,000
Herbert	\$ 1,000
Johnsonville	\$ 1,000
Brooklyn	\$ 1,000
Paul	\$ 1,000
Lenox	\$ 1,000
Lyeffion	\$ 1,000
Pine Orchard	\$ 1,000
Skinnerton	\$ 1,000
Range	\$ 1,000
Repton	\$ 1,000
Flat Rock	\$ 1,000
Evergreen	\$ 1,000

Sand-Cut	\$ 1,000
Adamsburg	\$ 1,000
Cartersville	\$ 1,000
Fyffe	\$ 1,000
Grove Oak	\$ 1,000
Hammondville	\$ 1,000
Henagar	\$ 1,000
Ider	\$ 1,000
Mentone	\$ 1,000
Pine Ridge	\$ 1,000
Powell	\$ 1,000
Rainsville	\$ 1,000
Ruhama	\$ 1,000
Shiloh	\$ 1,000
Valley Head	\$ 1,000
Hackneyville	\$ 1,000
Jacksons Gap	\$ 1,000
New Site	\$ 1,000
Red Ridge	\$ 1,000
Union	\$ 1,000
Alexander City	\$ 1,000
Pleasure Point	\$ 1,000
Reeltown	\$ 1,000
Wall Street	\$ 1,000
Ourtown	\$ 1,000
Stillwater	\$ 1,000
Tallapoosa County Volunteer Fire Association	\$ 1,000
Dauphin Island	\$ 1,000
Bayou La Batre	\$ 1,000
Alabama Port	\$ 1,000
St. Elmo	\$ 1,000
Grand Bay	\$ 1,000
Theodore—Tillman's Corner	\$ 1,000
Fowl River	\$ 1,000

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Abbeville	\$ 1,000
Haleburg	\$ 1,000
Headland	\$ 1,000
Newville	\$ 1,000
Screamer	\$ 1,000
Shorterville	\$ 1,000
Columbia	\$ 1,000
Crosby	\$ 1,000
Gordon	\$ 1,000
Kinsey	\$ 1,000
Pansey	\$ 1,000
Webb	\$ 1,000
Butler	\$ 500
Lisman	\$ 500
Needham	\$ 500
Pennington	\$ 500
West Greene	\$ 500
Forkland	\$ 500
Union	\$ 500
Boligee	\$ 500
Eutaw	\$ 500
Tishabee	\$ 500
Livingston	\$ 500
York	\$ 500
Cuba	\$ 500
Ward	\$ 500
Morning Star	\$ 500
Kinterbish	\$ 500
Coatopa Belmont	\$ 500
Bellamy	\$ 500
Whitfield	\$ 500
Panola	\$ 500
North Sumter	\$ 500
Epes	\$ 500

Gainesville	\$ 500
Sumter County Fire and Rescue Squad	\$ 500
Siloam	\$ 500
Randolph County Association of Volunteer Fire Departments	\$25,000
Clay County Association of Volunteer Fire Departments	\$19,000
Chambers County Association of Volunteer Fire Departments	\$ 6,000

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Harper was adopted.

Yeas 72; Nays 5.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nays: Reps. Brooks, Gray, Harvey, Mikell and Sanderford.

—5

AMENDMENT OFFERED

Rep. Breedlove offered the following amendment to the bill, H. 660 as amended:

Amend H. B. 660, Page 1, Section 1, Line 23, after the word "distributed to" by striking the remaining language in the section and inserting in lieu thereof the following:

all the volunteer fire departments in the State equally.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Breedlove to the bill, H. 660, was tabled.

Yeas 60; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Hall, Harper, Haynes, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Newman, Parker, Payne, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—60

Nays:

Reps. Blakeney, Breedlove, Brooks, Gray, Grouby, Harvey, Headley, Higginbotham, Hill, McKee, Mikell, Sanderford, Turner and Warren.

—14

And the bill, H. 660 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

Nays:

Reps. Blakeney, Brooks, Flowers, Gray, Harvey, McKee, Mikell and Sanderford.

—8

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 644, was adopted.

Yeas 70; Nays 6.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey,

Thomas, Turner, Turnham, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—70

Nays: Reps. Brooks, Flowers, Gray, Harvey, Mikell and Sanderford.

—6

And the bill:

H. 644. (With Substitute): To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 644:

A BILL TO BE ENTITLED AN ACT

To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of seven hundred forty-six thousand dollars (\$746,000) from the State General Fund to the following county governments for the fiscal year ending September 30, 1989.

Hale County	\$ 3,000
Limestone County	\$100,000
Mobile County	\$230,000
Perry County	\$ 3,000
Barbour County	\$ 50,000
Jefferson County—For Flood Control	\$ 20,000
Chambers County	\$ 25,000
Crenshaw County—For Industrial Development	\$ 50,000
Montgomery County	\$ 20,000
Russell County—For Industrial Development	\$ 75,000
Marshall County	\$ 25,000
Houston County	\$ 75,000
Marion County	\$ 25,000
Tallapoosa County	\$ 10,000

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Lowndes County	\$ 6,000
Wilcox County	\$ 8,500
Choctaw County	\$ 2,000
Greene County	\$ 2,000
Sumter County	\$ 1,500
Madison County	\$ 15,000

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Harper was adopted.

Yeas 71; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Blakeney, Breedlove, Brooks, Harvey, McKee, Mikell and Sanderford.

—7

And the bill, H. 644 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner,

Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—70

Nays:

Reps. Blakeney, Breedlove, Brooks, Gray, Harvey, McKee, Mikell and Sanderford.

—8

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper Budget Isolation Resolution relating to H. B. 645, was adopted.

Yeas 68; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Rains, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—68

Nays:

Reps. Breedlove, Brooks, Flowers, Gray, Harvey, McKee and Sanderford.

—7

And the bill:

H. 645. (With Substitute): To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 645:

A BILL TO BE ENTITLED AN ACT

To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the State General Fund the sum of six hundred ninety-nine thousand two hundred and fifty dollars (\$699,250) to be distributed to the following cities by the following amounts for the fiscal year ending September 30, 1989. Said funds shall be used for general governmental purposes.

Ashville	\$ 25,000
Akron	\$ 1,250
Sawyer ville	\$ 1,250
Newbern	\$ 1,250
Greensboro	\$ 2,000
Madison City	\$ 2,000
Altoona	\$100,000
Uniontown	\$ 2,000
Gadsden	\$ 5,000
Mobile	\$ 80,000
Birmingham	\$ 30,000
Walnut Grove	\$ 30,000
Sumiton	\$ 12,000
Sumiton	\$ 10,000
Hurtsboro	\$ 25,000
Clayton	\$ 25,000
Louisville	\$ 25,000
Clio	\$ 25,000
Blue Springs	\$ 25,000
Homewood	\$ 25,000
Dauphin Island	\$ 5,000
Citronelle	\$ 30,000
Benton	\$ 500
Hayneville	\$ 1,000
Fort Deposit	\$ 500
White Hall	\$ 1,000
Mosses	\$ 1,000
Yellow Bluff	\$ 300
Pine Hall	\$ 300

Pineapple	\$ 300
Camden	\$ 300
Oak Hill	\$ 300
Florence	\$ 25,000
Montgomery	\$ 50,000
Talladega	\$ 20,000
Scottsboro	\$ 4,000
Gurley	\$ 1,000
Lafayette	\$ 25,000
Prichard	\$ 20,000
Lisman	\$ 1,000
Needham	\$ 1,000
Newton	\$ 2,000
Ozark	\$ 8,000
Arab	\$ 5,000
Midland	\$ 15,000
Bessemer	\$ 10,000
Gardendale	\$ 10,000
Fultondale	\$ 10,000

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Harper was adopted.

Yeas 71; Nays 9.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey,

Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Blakeney, Breedlove, Brooks, Flowers, Gray, Harvey, McKee, Mikell and Sanderford.

—9

And the bill, H. 645 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 9.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Blakeney, Breedlove, Brooks, Flowers, Gray, Harvey, McKee, Mikell and Sanderford.

—9

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hogan, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 374.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan Budget Isolation Resolution relating to H. B. 374, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Mathis, McDowell, McKee, Melton, Moon, Newman, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers,

Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (G), Willis, Wright and Zoghby.

—71

And the bill:

H. 374. (With Substitute): To amend section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988) relating to the meetings days of the county boards of registrars so as to authorize Walker County board of registrars to meet an additional 60 days per year.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988) relating to the meetings days of the county boards of registrars so as to authorize Walker County board of registrars to meet an additional 60 days per year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988), is hereby amended to read as follows.

“§17-4-156.

“(a) Each member of the board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo, Perry, Sumter, Talladega, ~~Walker~~, Washington and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Pike, Randolph, St. Clair, Tallapoosa and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in the counties of Dale, Franklin, Houston, Marshall, Bullock, Macon and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter. Each member of the board of registrars of Walker County may meet a maximum of 180 working days each fiscal year beginning October 1, 1989, and thereafter.

“(b) In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman and Monroe, each member of the board of registrars may meet a maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

“(c) Each member of the board of registrars of Etowah county may meet a maximum of 187 working days each fiscal year.

“(d) Each member of the board of registrars in the counties of Baldwin, Calhoun, Madison, Mobile, Montgomery and Morgan are authorized to meet not more than five days each week for the purpose of carrying out their official duties. Jefferson County, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words ‘each year’ are used in such local acts, such words shall mean ‘each fiscal year beginning October 1, 1984, and thereafter.’

“(e) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

“(f) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Mathis, McDowell, McKee, Melton, Moon, Newman, Payne, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Willis, Wright and Zoghby.

—68

And the bill, H. 374 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers,

Coburn, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Mathis, McDowell, McKee, Melton, Newman, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Willis, Wright and Zoghby.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Higginbotham, the rules were suspended in order to take up out of order the bill, H. 447.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham Budget Isolation Resolution relating to H. B. 447, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 447. (With Substitute) (With Amendment): To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for wholesale, retail and other misdemeanor and felony criminal penalties; to provide for felony penalties for hard core pornography as defined, material previously adjudged as obscene, and the production of or offer of or agreement to produce obscene materials; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived from obscene material,

material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed; to provide that city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Higginbotham offered the following substitute to the substitute and to the amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This division shall be known as the Alabama Anti-Obscenity Enforcement Act.

Section 2. Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179 of the Code of Alabama 1975, are hereby repealed

Section 3. As used in this Act, the following terms shall have the meanings respectively ascribed to them by this Section:

(1) OBSCENE. Such term means that:

a. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest; and

b. The material depicts or describes, in a patently offensive way, sexual conduct, actual or simulated, normal or perverted; and

c. A reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, political or scientific value.

(2) MATERIAL. Any book, magazine, newspaper, printed or written matter, writing, description, picture, drawing, animation, photograph, motion picture, film, video tape, pictorial representation, depiction, image, electrical or electronic reproduction, broadcast, transmission, telephone communication, sound recording, article, device, equipment, matter, oral communication, live performance, or dance.

(3) DISTRIBUTE. To import, export, sell, rent, lend, transfer possession of or title to, display, exhibit, show, present, provide, broadcast, transmit, retransmit, communicate by telephone, play, orally communicate or perform.

(4) SEXUAL CONDUCT. Such term means:

a. Any act of sexual intercourse, masturbation, urination, defecation, lewd exhibition of the genitals, sadomasochistic abuse, bestiality, or the fondling of the sex organs of animals; or

b. Any other physical contact with a person's unclothed genitals, pubic area, buttocks, or the breast or breasts of a female, whether alone or between members of the same or opposite sex or between a human and an animal, in an act of sexual stimulation, gratification or perversion.

(5) SEXUAL INTERCOURSE. Intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, and whether between persons of the same or opposite sex or between a human and an animal.

(6) SADO-MASOCHISTIC ABUSE. Such term means:

a. Flagellation or torture, in an act of sexual stimulation, by or upon a person who is nude or clad in undergarments or in a revealing or bizarre costume; or

b. The binding or physical restraining of a person who is nude or clad in undergarments or in a revealing or bizarre costume in an act of sexual stimulation.

(7) PERSON. Any individual and, except where inappropriate, any partnership, firm, association, corporation or other legal entity.

(8) KNOWINGLY. Such term means knowingly, as defined by Code of Alabama 1975, Section 13A-2-2(2), doing an act involving a material when the person knows the nature of the material.

(9) **RECKLESSLY.** Such term means recklessly, as defined by Code of Alabama 1975, Section 13A-2-2(3), doing an act involving a material when the person knows the nature of the material.

(10) **KNOWS THE NATURE OF THE MATERIAL.** A person knows the nature of the material when any one of the following exists:

- a. The person knows the nature of the material;
- b. The person has reason to know the nature of the material;
- c. The person has a belief or reasonable ground for belief as to the nature of the material which warrants further inspection or inquiry of the character and content of the material.

(11) **IMPORT.** To bring or cause to be brought into the State of Alabama from outside of the state.

(12) **EXPORT.** To send or cause to be sent outside of the State of Alabama from inside the state.

(13) **DISSEMINATE PUBLICLY.** To expose, place, perform, exhibit, show or in any fashion display, in any location, public or private, any material in such a manner that the material can either be readily seen and its content or character distinguished by normal unaided vision or be physically examined, by viewing or examining the material from any public place or any place to which members of the general public are invited.

(14) **FOR ANY THING OF PECUNIARY VALUE.** In exchange for, in return for, or for any consideration consisting of, whether wholly or partly:

- a. Any money, negotiable instrument, debt, credit, chose in action, interest in wealth, or any other property whether real or personal, tangible or intangible; or
- b. Any offer or agreement to pay, furnish or provide any money, negotiable instrument, debt, credit, chose in action, interest in wealth, or any other property whether real or personal, tangible or intangible.

(15) **MINOR.** Any unmarried person under the age of 18 years.

(16) **HARMFUL TO MINORS.** Such term means:

- a. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors; and
- b. The material depicts or describes sexual conduct, breast nudity or genital nudity, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
- c. A reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, political or scientific value for minors

(17) **BREAST NUDITY.** The showing of the post-pubertal human female breasts below a point immediately above the top of the areola.

(18) **GENITAL NUDITY.** The showing of the human male or female genitals or pubic area.

(19) **DISPLAY FOR SALE.** To expose, place, exhibit, show, or in any fashion display any material for the purpose of the sale of such material to

any person in such a manner that a minor can physically examine or see the material.

(20) **PRODUCE.** Create, make, write, film, produce, reproduce, direct, or stage.

(21) **WHOLESALER.** A person who distributes material for the purpose of resale or commercial distribution at retail.

Section 4. (1) It shall be unlawful for any person to knowingly distribute, possess with intent to distribute, or offer or agree to distribute any obscene material for any thing of pecuniary value. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$10,000 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than one year.

(2) It shall be unlawful for any person, being a wholesaler, to knowingly distribute, possess with intent to distribute, or offer or agree to distribute, for the purpose of resale or commercial distribution at retail, any obscene material for any thing of pecuniary value. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$20,000 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than one year.

(3) It shall be unlawful for any person to knowingly produce, or offer or agree to produce, any obscene material for any thing of pecuniary value. Any person who violates this subsection shall be guilty of a Class C felony.

Section 5. It shall be unlawful for any person to knowingly disseminate publicly any obscene material. Any person who violates this subsection shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than \$10,000 and may also be imprisoned in the county jail for not more than one year.

Section 6. It shall be an affirmative defense to a charge of violating Sections 4 and 5 that the act charged was done for a bona fide medical, scientific, educational, legislative, judicial, or law enforcement purpose.

Section 7. (1) It shall be unlawful for any person to knowingly or recklessly distribute to a minor, possess with intent to distribute to a minor, or offer or agree to distribute to a minor any material which is harmful to minors. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$10,000 and may also be imprisoned in the county jail for not more than one year.

(2) It shall be unlawful for any person to openly and knowingly display for sale at any business establishment frequented by minors, or any other place where minors are or may be invited as part of the general public, any material which is harmful to minors; provided, however, that a person shall not be deemed to have violated the provisions of this subsection, relating to display for sale, by displaying material harmful to minors in sealed wrappers or behind opaque covers commonly known as "blinder racks" so that in either event the lower two-thirds of the material are concealed from view and the content of such material is not available for inspection by minors. Any person who violates this subsection shall be guilty of a misdemeanor

and, upon conviction, shall be punished by a fine of not more than \$10,000 and may also be imprisoned in the county jail for not more than one year.

(3) The following shall be affirmative defenses to a charge of violating this section as it may relate to a particular minor:

(a) The minor exhibited to the defendant, his agent or employee a draft card, driver's license, birth certificate, marriage license or other governmental document purporting to show that such minor was not an unmarried person under the age of 18 years and the person to whom the document was exhibited did not otherwise have reasonable cause to believe that such minor was an unmarried person under the age of 18.

(b) A parent or legal guardian accompanied the minor or consented to the act charged.

(c) The defendant is the parent or legal guardian of the minor.

(d) The act charged was done for a bona fide medical, scientific, educational, legislative, judicial or law enforcement purpose.

Section 8. The Governor of this state may demand from the governor of any other state the extradition of any person found in such other state who is charged with any violation of any of the provisions of this Act.

Section 9. (1) When there is reason to believe that any person is violating or is about to violate any of the provisions of this Act, the Attorney General or District Attorney may initiate a civil action in the circuit court in the name of the State of Alabama against such person for preliminary and permanent injunctive relief, to prevent or enjoin the violation. The Alabama Rules of Civil Procedure shall apply to the extent that such rules are not inconsistent with this section; provided, however, that no temporary restraining order shall be issued pursuant to this section. No bond shall be required of the official bringing the action and the official, the political subdivision and the officers, agents, and employees of the political subdivision shall not be liable for costs or damages, other than court costs, by reason of injunctive orders not being granted or where judgment is entered in favor of the defendant by the trial or an appellate court.

(2) The court shall hold the hearing on the preliminary injunction at the earliest possible time after service of the complaint and motion for preliminary injunction upon the defendant. The defendant shall be given an opportunity to present evidence prior to the issuance of any preliminary injunction. It shall be the duty of the State of Alabama at the hearing to prove by clear and convincing evidence that the violation is being or is about to be committed. The court shall then issue an order granting or denying the preliminary injunction at the earliest possible time after the conclusion of the hearing.

(3) The defendant shall have the right to demand a trial on the merits to begin within thirty days after issuance or denial of the preliminary injunction. The finding of the court regarding the question of whether the material is obscene or harmful to minors at the preliminary injunction stage shall not be binding upon the final order on the merits at trial on the permanent injunction. The court shall reserve the right to reconsider its preliminary findings based upon the evidence or testimony which may be introduced at such trial. The defendant shall be given an opportunity to present evidence prior to the issuance of any permanent injunction. It shall be the duty of the State of Alabama at trial to prove by clear and convincing

evidence that the violation is being or is about to be committed. The court shall then issue an order granting or denying the permanent injunction at the earliest possible time after the conclusion of the trial.

(4) If the court enters a final order denying the permanent injunction on the basis that the material is not obscene or harmful to minors, as the case may be, then no contempt shall be found for violation of any preliminary injunction relating thereto. Nothing in this section shall be deemed to authorize a prior restraint of speech in violation of the United States Constitution. Hearings and determinations required pursuant to Section 9 shall take precedence over all other matters, and, in any event such hearings shall be held and determinations made within time limits mandated by the United States Constitution.

Section 10. (1) The following property is subject to forfeiture:

(a) All obscene material and material which is harmful to minors used, intended to be used or obtained in violation of the provisions of this Act;

(b) All moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this Act;

(c) All proceeds or receipts derived from property which is subject to forfeiture pursuant to Sections 10 (1) (a) and 10 (1) (b).

(2) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Act, the state, county or municipal law enforcement agency may:

(a) Place the property under seal;

(b) Remove the property to a place designated by it; and

(c) In the case of real property or fixtures, post notice of the seizure on the property, and file and record notice of seizure in the probate office.

(3) The following is the procedure regarding the seizure of property subject to forfeiture under Section 10 (1):

(a) Property subject to forfeiture may be seized by state, county or municipal law enforcement agencies upon process issued by any court having jurisdiction over the property upon a showing of probable cause; provided, however, that not more than one copy of each expressive material may be seized prior to a judicial determination, after a hearing at which all proper parties have an opportunity to be heard and present evidence, that the expressive material is obscene material or material which is harmful to minors and, in either case, subject to forfeiture under this act.

(b) In the event of seizure, a forfeiture action pursuant to Section 10 (3) (d) shall be instituted promptly and within time limits mandated by the United States Constitution.

(c) At any time after seizure, and prior to trial, the state, defendant, owner, or other proper party, may file with the appropriate circuit court, a written demand for an adversary hearing for the purpose of obtaining with regard to expressive material only a preliminary determination of obscenity, harmfulness to minors, and whether the property is subject to forfeiture.

Such adversary hearing shall be held as soon as possible. At such adversary hearing, all proper parties shall be given the opportunity to present evidence. It shall be the duty of the State of Alabama at the hearing to prove by clear and convincing evidence that the seized property is subject to forfeiture under Section 10 (1) herein. The court shall render a decision within time limits mandated by the United States Constitution and, if the court does not find the property to be subject to forfeiture, it shall immediately order the property to be returned. Should the court find the property to be subject to forfeiture, it shall order the property to be retained as evidence. A finding by the court that the property is subject to forfeiture shall not be binding at the trial on the merits.

(d) The Attorney General or District Attorney may initiate a forfeiture action in the name of the State of Alabama in the circuit court. The action shall be heard and determined within time limits mandated by the United States Constitution. It shall be the duty of the State of Alabama at the hearing to prove by clear and convincing evidence that the property should be forfeited. It shall be an affirmative defense to the forfeiture action to the extent of the owner's interest that the owner of the obscene material, material which is harmful to minors, moneys, negotiable instruments, funds, proceeds or receipts, neither consented to nor had knowledge of the acts which would otherwise result in forfeiture. It shall be an affirmative defense to any bona fide lienholder to the extent of the lienholder's interest that the lienholder neither consented to nor had knowledge of the acts which would otherwise result in forfeiture. The defendant shall be given the opportunity to present evidence.

(4) Nothing in this section shall be deemed to authorize a prior restraint of speech in violation of the United States Constitution. All hearings and determinations required pursuant to Section 10 shall be heard and determined within time limits mandated by the United States Constitution.

(5) After trial on the merits, the court shall issue such forfeiture and seizure orders as are proper under the law and facts. The court shall order obscene material and material which is harmful to minors which is forfeited to be destroyed or retained for official law enforcement use. Where the court orders the forfeiture of one copy of an expressive material, it may also order the seizure and forfeiture of all other copies of such expressive material of the defendant which is subject to forfeiture. The court shall further order such moneys, negotiable instruments, funds, proceeds, or receipts, which are forfeited to be (a) distributed directly to the general fund of the state, county or municipality whose enforcement agencies investigated the acts resulting in forfeiture or (b) sold and distributed, after payment of all proper expenses relating to the forfeiture and sale, to the general fund of the state or any county or municipality whose department, office, or agency contributed to the investigation of the acts resulting in forfeiture, based upon the contribution, including expenses, of the department, office, or agency, or agency as determined by the court.

(6) Where any property owned or possessed by a person is subject to forfeiture pursuant to this section but because of any act, omission, or consent by such person the property (a) cannot be located upon the exercise of due diligence, (b) has been transferred or sold to, or deposited with, a third party, (c) has been placed beyond the jurisdiction of the court, (d) has been substantially diminished in value or, (e) has been commingled with other property which cannot be divided without difficulty, and such person knowingly participated either as a principal, aider and abettor, or conspirator

in the acts subjecting the property to forfeiture, the Attorney General or District Attorney may initiate a civil action in the name of the State of Alabama against such person for forfeiture of a money judgment amount up to the value of and in lieu of the property described in (a) through (e) of this subsection. Such judgment upon satisfaction shall be distributed as provided in subsection (5) of this section.

Section 11. The provisions of this Act shall not be deemed to repeal, amend, affect, or limit the Alabama Red Light Abatement Act or the provisions of the Code of Alabama pertaining to obscene materials displaying or depicting children, as contained in Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975. Nothing in this Act shall be presumed to invalidate, repeal, or preempt, any city or county ordinance governing the subject matter of this Act and not in conflict with the provisions of this Act.

Section 12. The criminal provisions of this Act shall not apply to bona fide public libraries, or public school or college or university libraries, or their employees or agents acting on behalf of the legitimate educational purposes of such public libraries, or public school or college or university libraries.

Section 13. Any offenses committed prior to the effective date of this Act as provided in Section 15 must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this Act had not been enacted.

Section 14. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Higginbotham was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide

definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Beers would have voted "Yea" on the bill, H. 447, had he been in the Chamber at the time of voting.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 447.

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Crow, Curry, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 209. COMMENDING J. THOMAS McKENZIE ON HIS DISTINGUISHED CAREER WITH THE ALABAMA POWER COMPANY, 1948-1989.

WHEREAS, J. Thomas McKenzie, a registered engineer and a graduate of the University of Alabama with a B.S. degree in mechanical engineering, joined the Alabama Power Company in 1948 as a junior engineer in Mobile, working in various engineering classifications; and

WHEREAS, in 1964 he was named chief engineer in the Mobile Division, worked in 1968 in the company's General Office in Birmingham and, in final and retirement capacity, served as District Manager in Gadsden; and

WHEREAS, not only has Mr. McKenzie rendered invaluable service to Alabama Power Company for more than 40 years, but has also provided community leadership as president of the United Way of Etowah County and the Coosa-Alabama River Improvement Association; as past president of the Kiwanis Club and Chamber of Commerce; as area vice president for the Capstone Engineering Society of the University of Alabama; as a member of the boards of directors of the Choccolocco Council Boy Scouts of America, the Gadsden Etowah Chamber of Commerce, Industrial Development Authority, Greater Gadsden Housing Authority, the Etowah Community Food Bank, Red Cross and YMCA; and as past chairman for the United Way campaign, among other involvements; and

WHEREAS, Mr. McKenzie further is a member of St. James Catholic Church and is active in the Knights of Columbus; past president of the St. James Parish Council and St. James PTA; served on the Board of Education for the Catholic Diocese of Birmingham and was president for two years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the Alabama Power Company and to the community, we hereby most highly commend J. Thomas McKenzie of Gadsden, for whom a copy of this resolution shall be provided.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

By Rep. Blake:

H. J. R. 210. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE CONTROL OF COYOTES IN THE STATE OF ALABAMA.

WHEREAS, the coyote, a wild canine native to the open range of the American west, has expanded its range into Alabama, and has become well established and numerous in most counties of the state; and

WHEREAS, losses to the wildlife resources, agricultural crops and live-stock herds have been noted in a significant number of areas, and the potential for volume losses is considered great by many hunters, farmers and ranchers; and

WHEREAS, very little appears to be known about the coyote in Alabama and the degree of its impact on these Alabama resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the control of coyotes in the State of Alabama. The committee shall be composed of 3 members of each house, to be appointed by the presiding officer of each house along with representatives from the Alabama Farmers Federation, the Alabama Cattleman's Association, the Alabama Department of Agriculture and Industries, the U.S. Department of Agriculture's Animal Damage Control Section, and the Game and Fish Division of the Alabama Department of Conservation and Natural Resources. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1990 Regular Session. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$6,500.00.

The resolution, H. J. R. 210, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Rep. Adams, the House adjourned until 2:00 o'clock p.m., Tuesday, March 21, 1989.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 21, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Chaplain Joe Capps, Bullock Corrections Facility, Union Springs, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christopher Shelton, Reform Elementary School, Reform, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE),

Buskey (JL), Butler, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Payne, Penry, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—80

Nays: Reps. Frazier and Mikell.

—2

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

TOMMY CARTER,
Chairman.

And the bill, H. 447 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education - Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 597 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER,
Chairman.

And the bill, H. 669 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education - Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 596 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 211. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the

REGULAR SESSION
12th Day

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following business, in the order set forth below, be made the special and paramount order of business for the 12th legislative day, Tuesday, March 21, 1989, taking precedence over the regular order of business, or any pending or unfinished business.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the following Bills:

Inst Id	Page
<u>H. 391</u> —By Laird	54
Unemployment comp., rating system and tax structure alt., benefits incr., Secs. 25-4-51 through 25-4-54, 25-4-72, 25-4-77, 25-4-78, 25-4-91 am'd.	
<u>H. 118</u> —By Harvey	122
Joint Highway Committee, powers and authority re highway dept., highway dept. long-range planning and utilization of fed. and st. funds, Secs. 29-2-4, 29-2-6 am'd.	
<u>H. 76</u> —By Harvey	93
Counties, cities or other political subdivisions subject to fed. Uniform Relocation assistance and Real Property Acquisition Policies Act, auth. to practice cert. relocation assistance and payment procedures, Secs. 23-1-200 thru 23-1-209 repealed.	
<u>H. 139</u> —By Johnson (RG)	12
County health dept. may make provisional appt. to adm. public health services, Sec. 36-26-81 am'd.	
<u>H. 474</u> —By Turner (As Amended and Substituted)	85
Revenue Dept. authorized to use electronic media and computer output microfilm. Secs. 40-2-12 through 40-2-14 am'd.	
<u>H. 415</u> —By Payne	34
Municipalities, cert. prohib. on incorporation removed, Sec. 11-41-1 am'd.	
<u>H. 273</u> —By Carothers (As Substituted)	55
Health care facilities, deletes federal regulatory language, Secs. 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271 and 22-21-275 am'd.	
<u>H. 21</u> —By McClain	44
Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Secs. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.	
<u>H. 539</u> —By White (G)	137
Airport authorities, exercise of police jurisdiction, jurisdiction of crimes on property in mun. ct., Sec. 4-3-47 am'd.	

<u>H. 614</u> —By Zoghby (As Substituted)	150
Historical buildings, places and sites further defined and method of defining expanded, Sec. 40-8-1 am'd.	
<u>H. 450</u> —By Ford (As Amended)	59
Credit unions, can be made to cease and desist cert. activities, interest and charges, criminal penalties, Secs. 5-17-8, 5-17-18 am'd.	
<u>H. 158</u> —By Penry	52
Electric Cooperatives, Rural Electric Cooperatives, Bd. of Trustees may set debt limit & mortgage property, Sec. 37-6-21 am'd.	
<u>H. 121</u> —By Starkey	5
Solid Waste disposal authorities	
<u>H. 494</u> —By Freeman	38
Boats, registration fees incr., Sec. 33-5-17 am'd.	
<u>H. 592</u> —By Holley (As Substituted)	105
Rural Electric Coops., auth. to own electric facilities, Sec. 37-6-3 am'd.	
<u>H. 91</u> —By Campbell	9
Uniform fed. lien registration provided, Secs. 35-11-40, 35-11-41 repealed	
<u>H. 420</u> —By White (L)	31
State employees, deductions from salaries for employee organizations	
On motion of Rep. Carter, the resolution, H. R. 211, was adopted.	

BILLS ON SECOND READING

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 679. To Amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

H. 718. To amend Section 36-1-4.1, Code of Alabama, 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

H. 582. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire

by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

H. 706. To create the Catastrophic Special Education Trust Fund to be administered by the State Department of Education for the purpose of providing educational services to catastrophic cases in Special Education and to further provide that unused portions of the funds be placed in The Catastrophic Special Education Trust Fund for future use in such cases.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 671. (With Substitute): To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

The above bill was read a second time at length as required by the Constitution.

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

H. 739. Relating to Covington County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and set to the appropriate fee for each service. No citizen shall be denied any services because of that person's inability to pay.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 755. (With Amendment): To amend Code of Alabama, 1975, §22-30-11, to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 USC 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 423. Imposing a certain additional per ton fee on operations of commercial sites for the disposal of certain hazardous waste or hazardous substances; providing for the administration of this act including the manner of collection and disposition of such additional fees; prescribing penalties and charges for enforcement of this act and providing for certain supplemental effect.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 129. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.

On motion of Rep. Carter, the resolution, H. J. R. 129, was temporarily carried over.

Also:

H. J. R. 210. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE CONTROL OF COYOTES IN THE STATE OF ALABAMA.

On motion of Rep. Blake, the resolution, H. J. R. 210, was adopted.

NOTICE IN WRITING

Rep. Layson filed the following Notice in Writing:

March 21, 1989

John Pemberton
Clerk, House of Representatives

In compliance with House Rule 29, having voted on the prevailing side of H. B. 177 I hereby file a written motion for reconsideration of H. B. 177.

LEAVE OF ABSENCE

At the request of Rep. Haynes, leave of absence was granted for Rep. Logan.

At the request of Rep. Marks, leave of absence was granted for Rep. Dillard.

At the request of Rep. Campbell, leave of absence was granted for Rep. Willis.

At the request of Rep. Petelos, leave of absence was granted for Rep. Seibels due to illness.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Clark (J) (With Notice and Proof):

H. 762. Relating to Barbour County; authorizing the Barbour County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 762, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain

identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 765. Relating to Tallapoosa County; to authorize the county commission to impose an excise tax not to exceed five cents (\$0.05) per gallon on persons engaged in the business of selling, distributing, storing or withdrawing from storage, gasoline or motor fuel; to provide for the collection, payment and distribution of such tax; to authorize the county commission to make rules and regulations for the collection of such tax; to provide for the enforcement of this act; and to fix the penalty for the violation of any provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grayson:

H. 766. To create the "Alabama Clean Indoor Air Act"; which is to protect the public health, comfort, and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places. This act establishes nonsmoking as the norm in public places by stating that an individual shall not smoke in a public place or at a meeting of a public body, except in a designated smoking area; and prescribes penalties.

Committee on Health.

By Rep. Curry (With Notice and Proof):

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall (With Notice and Proof):

H. 769. Relating to Madison County; amending Section 1 of Act No. 79-279, S. 39 of the 1979 Regular Session (Acts 1979, p. 428), authorizing the county commission to provide grave opening services under certain conditions, so as to provide further for the conditions under which such grave opening services may be performed.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 769, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall (With Notice and Proof):

H. 770. Relating to Madison County; regulating the use of county-owned vehicles by the county commissioners; requiring certain federal record-keeping and standards; and providing for the mileage requirement.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 770, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall (With Notice and Proof):

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 771, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hogan:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290 and to establish an effective date of issuance for such license plates or tags.

Committee on Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, competitive bid, and sunshine laws; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

Committee on Ways and Means.

By Reps. Beasley, Mathis, and Carothers (With Notice and Proof):

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Beasley (With Notice and Proof):

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Committee On Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 777, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson (With Notice and Proof):

H. 778. Relating to Pickens County, providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

Committee On Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 778, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers and McDowell:

H. 779. Relating to medical students of medical colleges and universities of this state; to provide assistance for additional students to encourage family practice residency in medically underserved areas of the state; to provide definitions; to provide additionally for: family practice training programs; preventive medicine programs; sickle cell anemia research programs and general dentistry training programs in order to implement the provisions of this act.

Committee on Ways and Means.

By Reps. Rogers and McDowell:

H. 780. To create the Alabama Pharmaceutical Assistance Contract for the Elderly Act. To provide for claimant's eligibility qualifications, renewals, revocation, exemptions, and misutilization and abuse of program benefits by the claimant. To provide for provider participation, misutilization and abuse by the provider; and to provide for hearings, appeals and penalties.

Committee on Ways and Means.

By Reps. Rogers and McDowell (With Notice and Proof):

H. 781. Providing that the board of education for the City of Birmingham shall promulgate and implement rules and regulations requiring high school seniors in the Birmingham school system to complete a certain

community services course as a prerequisite to their graduation commencing with the graduating class of 1992.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 781, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, McDowell, and McClain (With Notice and Proof):

H. 782. Relating to Jefferson County; providing further for the Jefferson County Civil Service laws and the personnel board; requiring the county personnel board to add certain preferential points to any examination for employment by certain veterans, certain disabled veterans and widows or widowers of certain veterans; and to repeal conflicting laws.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 782, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 783. Relating to Jefferson County; creating the Jefferson County Sports Commission; providing for its composition and membership, terms of appointment and office, duties and authority; and providing for reimbursement of certain expenses related to its official duties.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 783, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 784. To amend Sections 14 and 17 of Act 376, H. 1040 of the 1975 Regular Session (Acts 1975, p. 926) as last amended, relating to the Greene County Racing Commission, so as to increase the tax levied on the track licensee, to alter the distribution of money derived from the "breaks to the dime" and "outs," to remove certain language requiring the consent of the commission and the licensee prior to altering certain contract terms and conditions and certain taxes, and to provide for the distribution of said funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 784, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 785. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw; to provide that the act shall become operative only if approved by affected electors and to provide for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 785, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 786. Relating to Covington County, to provide for a District Attorney's Fund for the Twenty-Second Judicial Circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 786, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Venable and Hammett:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, so as to provide further for such rights.

Committee on Judiciary.

By Reps. Grayson, Newton (D), McClain, Escott, Rogers, Buskey (JE), Freeman, Melton, Clay, Perdue, Thomas, Black, Bryant, Davis, Buskey (JL), McDowell, Gray, and Spratt:

H. 788. To authorize Alabama Public School and College Authority to sell and issue forty million dollars (\$40,000,000) aggregate principal amount of educational bonds for capital improvements for Alabama Agricultural and Mechanical University, Normal, Alabama, for educational purposes, including libraries, laboratories, physical education facilities, research facilities and acquisition of land; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums

necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and to provide that if any portion of this act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Ways and Means.

By Reps. Johnson (RG) and Carothers:

H. 789. Repeals Section 40-17-51 and amends all taxes on gasoline so as to create an exclusive statewide gasoline tax. Amends 40-17-2 to increase the excise tax on diesel fuel; amends 40-17-31 to increase the excise tax on gasoline; amends 40-17-38 to increase the discount to distributors, etc., to offset cost of making reports and maintaining records concerning payment and collection of gasoline tax; amends 40-17-70 to delete the definition of "base annual county distribution," to redefine the terms, "local subdivisions' share of the net tax proceeds," "net tax proceeds," state's share of the net tax proceeds"; amends 40-17-72 to change the state's share of the net tax proceeds; amends 40-17-73 to change the counties' share of the net tax proceeds; amends 40-17-174 to provide for one-time collection of wholesale oil license fee in a given fiscal year; amends 40-17-220 to abolish the additional excise tax on gasoline; amends 8-17-87 to abolish the inspection fee on gasoline and diesel fuel; amends 40-17-38 to raise the discount allowed to distributors, etc., under 40-12-194; abolishes all local taxes, county and municipal levied on or measured by the sale of gasoline or diesel fuel; and provides for protection of revenue to counties and municipalities.

Committee on Ways and Means.

By Rep. Butler:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

Committee on State Administration.

By Rep. Bryant:

H. 791. To provide further for any contract or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by any health care practitioner.

Committee on Insurance.

By Reps. Adams and Clark (J):

H. 792. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall

be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. McDowell, Escott, Starkey, Rogers, McClain, Grayson, Venable, Perdue, Bugg, Kennedy, Zoghby, Buskey (JE), Goodwin, Hamilton, and Britnell:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

Committee on Judiciary.

By Rep. Turner:

H. 794. Relating to the state Merit System Act and personnel classification tests and employment registers; and to provide that full credit shall be given for experience, knowledge and skill gained as well as time spent in service in the same, similar or a substantially similar position in the unclassified service, as well as time spent and experience, knowledge and skill gained in performing the same or substantially similar work activity in the unclassified service even though the position classification or job title in the unclassified service may not be the same or similar to the one in the classified service.

Committee on State Administration.

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 795, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Beasley and Mathis:

H. 796. To amend Section 13A-11-74, Code of Alabama 1975, which exempts certain persons from obtaining licenses to carry pistols, so as to include justices and judges within said exemption.

Committee on Judiciary.

By Rep. Marietta:

H. 797. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage

or security and to provide criminal sanctions for violating the provisions of this act.

Committee On Judiciary.

By Reps. Wright, Petelos, Curry, Payne, Hamilton, Beers, Gray, Rains, Newton (D), Hill, Headley, Adams, Layson, and Flowers:

H. 798. To amend Act 88-547 of the 1988 Regular Session (Acts of 1988, p. 847) now appearing as Section 40-12-300 of the Code of Alabama 1975, relating to distinctive license plates for handicapped persons; so as to permit said distinctive license plates and tags to be placed on vehicles leased to a handicapped person for a certain term.

Committee on Ways and Means.

By Rep. Box:

H. 799. To amend Section 15-19-1, Code of Alabama 1975, relating to youthful offenders, so as to provide that no person shall be eligible for Youthful Offender status for offenses or violations of the provisions of Title 32, Code of Alabama 1975, relating to motor vehicles.

Committee on Judiciary.

By Reps. Box, Fuller, Breedlove, Marietta, Penry, Blakeney, Hooper, McKee, Johnson (RG), Mathis, Kvalheim, Beasley, Newton (C), Layson, Carothers, Willis, Hogan, Venable, Mikell, Bowling, Clark (J), Turner, Kennedy, Holmes, Zoghby, Gaston, Newton (D), McDowell, Walker, Buskey (JL), Higginbotham, White (L), Starkey, Williams, Butler, Harvey, Knight, Richardson, Melton, Coburn, Goodwin, Moon, Newman, Lindsey, Freeman, Parker, Dillard, Hill, Logan, Spratt, Headley, Britnell, Hamilton, Wright, Petelos, Sanderford, Rains, Ford, Carter, Haynes, Laird, Hall, Bugg, Gray, Marks, Buskey (JE), Rogers, Burke, Frazier, Turnham, Harper, Campbell, White (G), Cosby, Davis, and Slaughter:

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

Committee on Insurance.

By Reps. Harper, Campbell, Fuller, Davis, Clark (J), White (L), Kennedy, Coburn, Starkey, McClain, Zoghby, Buskey (JL), Buskey (JE), Higginbotham, Johnson (RW), Carter, Burke, Ford, Mathis, and Carothers:

H. 801. Proposing an amendment to the Constitution of Alabama 1901, authorizing each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes not to exceed 10 mills on each dollar of the assessed value of taxable property in such county for general purposes and for such period of time as may be specified by the governing body of such county after approval by a majority vote of the qualified electors residing in the county who vote on the proposal in an election called by the governing board of such county; and authorizing each school tax district of each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes not to exceed 20 mills in each school tax district and for such period of time as may be specified by the respective city or county board of education for public school purposes in an election which shall be called by the governing body of the county at the written request of the respective

city or county board of education. And to provide that the ad valorem taxes levied pursuant to the provisions of this amendment shall be subject to the limitation on and the provisions for the reduction of ad valorem taxes specified in paragraph (i) of Amendment 373 to the Constitution of Alabama.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Harper, Campbell, Fuller, Davis, Clark (J), White (L), Kennedy, Coburn, Starkey, McClain, Zoghby, Buskey (JL), Buskey (JE), Higginbotham, Johnson (RW), Carter, Burke, Ford, Mathis, and Carothers:

H. 802. To amend Sections 16-13-62 and 16-13-65 of the Code of Alabama 1975, relating to required local funding of public school systems, so as to increase the amount of local taxes to be received by school systems from ten equivalent mills of ad valorem taxation to twenty actual mills of ad valorem taxation and to eliminate the exemption from penalty provisions.

Committee on Ways and Means.

By Reps. Harper, Campbell, Fuller, Davis, Clark (J), White (L), Kennedy, Coburn, Starkey, McClain, Zoghby, Buskey (JL), Holmes, Buskey (JE), Higginbotham, Johnson (RW), Carter, Burke, Ford, Mathis, and Carothers:

H. 803. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to direct the State Board of Education to appoint a task force for the purpose of establishing specific guidelines and/or minimum performance levels, to establish a performance based accreditation system for all city and county boards of education and all public elementary and secondary schools in the state, which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, including the intervention in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance standards; to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level, to direct each city and county board of education in the state to cause to be conducted a comprehensive assessment of the entire educational program, the assessment team members to be appointed by each local board of education, and to stipulate that the results of the assessment shall be reported, to provide for such assessment every third year, to authorize the State Board of Education to withhold state allocations to any school system that fails to assess its needs; to provide for the development of research-based criteria for evaluation of all professional education personnel, to provide for the validation of the evaluation instrument, to require local boards of education to either use a local evaluation instrument or use the one developed by the State Board of Education; to provide for the appointment of a task force to develop a comprehensive plan for in-service and professional development for professional personnel; to provide for the appointment of a task force to develop and propose recommendations for a pilot incentive program for educational improvement; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to require city and county boards of education to adopt policies to ensure a safe school

environment; to provide that each local school system establish an alternative school program; to provide that each local school system shall prepare an annual status report; to provide that failure by any local school system to comply with standards, policies, rules and regulations shall result in withholding of state funds; to provide that any local school system declared to be educationally deficient shall be provided consultation, training and technical assistance, and to provide procedures and process for intervention.

Committee on Ways and Means.

By Reps. Harper, Campbell, Fuller, Davis, Clark (J), White (L), Kennedy, Coburn, Starkey, McClain, Zoghby, Buskey (JL), Holmes, Buskey (JE), Higginbotham, Johnson (RW), Carter, Burke, Ford, Mathis, and Carothers:

H. 804. To amend Section 40-7-35, Code of Alabama 1975, relating to the required collection of county assessed valuation information, to provide further for the collection of county assessed valuation by public school system.

Committee on Ways and Means.

By Rep. Harper:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

Committee on Ways and Means.

By Rep. Harper:

H. 806. To amend Section 11-18-3, Code of Alabama 1975, relating to the appointment of a board of trustees for the acquisition and maintenance of lands and property for public use, so as to provide that the governing body of any municipality located on an island shall appoint additional members to such board of trustees.

Committee on Judiciary.

By Rep. Drake (With Notice and Proof):

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 807, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent

of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 809. Relating to Morgan County; to provide certain group health insurance benefits to the members of the North East Morgan County Water and Fire Protection Board.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 809, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

Committee On Public Welfare.

By Rep. Headley (With Notice and Proof):

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newton (C) (With Notice and Proof):

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hooper, Clark (J), and Gaston:

H. 813. Providing immunity from individual civil liability for members of city and county housing authority boards.

Committee on State Administration.

By Rep. Harvey (With Notice and Proof):

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 814, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gaston:

H. 815. To amend Section 40-18-19 of the Code of Alabama 1975, relating to exemptions from state income taxes, so as to provide further for such exemptions retroactive to January 1, 1989.

Committee on Ways and Means.

By Rep. White (G) (With Notice and Proof):

H. 816. Relating to Jefferson County; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the county general fund and from the general fund of the State of Alabama; and to provide for an effective date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 816, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Grayson, Hall, Freeman, and Butler (With Notice and Proof):

H. 817. To provide further for the filling of vacancies in county offices of Madison County.

Committee On Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 817, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 818. To make an appropriation from the Alabama Special Educational Trust Fund to the Autauga County Alternative School for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Petelos, Wright, Curry, and Beers:

H. 819. To amend section 15-3-3, Code of Alabama 1975, which provides for a statute of limitations on certain criminal prosecutions, so as to include a four (4) year statute of limitations for prosecutions made pursuant to violations of Title 36, chapter 25, and punishable under section 36-25-27, Code of Alabama 1975, of the ethics law.

Committee on Judiciary.

By Rep. Grayson:

H. 820. To exempt the Delta Theta Lambda Chapter of the Alpha Phi Alpha Fraternity, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Melton:

H. R. 212. PROCLAIMING MARCH 26 THROUGH APRIL 1, 1989, AS "STOP VIOLENCE AGAINST WOMEN WEEK."

WHEREAS, acts of violence against women are a daily occurrence in our community, our nation and throughout our world, and

WHEREAS, prevention of violence against women, including acts such as abuse, rape, incest and murder is necessary if all persons in society are to be free to live with dignity and without fear, and

WHEREAS, increasing public awareness is a critical step in the prevention of violence against women, and

WHEREAS, for several years communities in the United States and Europe have organized "TAKE BACK THE NIGHT" marches to raise public awareness about violence against women, to show public support for victims of violence and abuse, to express anger that women are not safe at night, and to insist that our streets and homes must be safe for everyone, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby proclaim March 26 through April 1, 1989, as "STOP VIOLENCE AGAINST WOMEN WEEK".

On motion of Rep. Melton, the rules were suspended and the resolution, H. R. 212, was adopted.

Also:

By Reps. Kennedy, Zoghby, and Buskey (JE):

H. J. R. 213. CONGRATULATING EMANUEL M. CARTER, SR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Emanuel M. Carter, Sr., a resident of Mobile, Alabama, and distinguished educator, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory The Great, Civil Class, to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Emanuel M. Carter, Sr., is a dedicated member and officer of numerous civic, service, educational and religious organizations in which his dedication and service have earned him many honors, too numerous to list, and these include the Alabama Retired Teachers Association, the Holy Name Society, the American Legion Post #302, the Legion of Mary, Azalea City Boys Club, the Knights of Peter Claver where he was awarded the coveted Cartagena Medal for outstanding service to the Church, Claverism and the community; and he currently serves as President of the Saint Vincent DePaul Society and is a member of the Serra Club and the Board of Catholic Social Services; and

WHEREAS, Mr. Carter was educated in Mobile public schools and received his Bachelor of Science degree from Alabama State College in 1954, and did graduate studies at the Universities of Indiana, Michigan and Auburn and his professional skills are widely used; he also has worked extensively with the youth of our state and he has five adopted children; and Mr. Carter was honorably discharged from the United States Navy, in which he served from 1942 to 1944 as an instructor of the Naval Remedial School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Emanuel M. Carter, Sr., Mobile, Alabama, on the occasion of this Papal Honor and for his many outstanding achievements and dedication.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sir Emanuel M. Carter, Sr., Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 213, was adopted.

Also:

By Reps. Kennedy, Buskey (JE), and Zoghby:

H. J. R. 214. CONGRATULATING SIR JAMES M. SEALS, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, James M. Seals, a resident of Mobile, Alabama, and distinguished Band Director of Bishop State Community College, recently was recognized, for meritorious work and zeal in service to the Catholic Church,

by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class, to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, James M. Seals, Jr., is a respected board member of the Mobile Chamber of Commerce and the Mobile Civic Center; he is active in his church, Prince of Peace, Mobile, Alabama, where he serves as music director and is president of its parish council and is past Grand Knight of Saint Peter Claver, and serves as president of the Mobile Community and the Down Bay Community Organizations; and he distinguished himself as co-chairman of the National Black Catholic Congress and as area chairman of the National Office of Black Catholics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREFORE CONCURRING, That we do most heartily congratulate Sir James M. Seals, Jr., of Mobile, Alabama, on the occasion of this Papal Honor and for his many outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir James M. Seals, Jr., Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 214, was adopted.

Also:

By Reps. Kvalheim and Zoghby:

H. J. R. 215. COMMENDING ANNA B. CROW OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE CATHOLIC WEEK.

WHEREAS, The Alabama House of Representatives notes with highest commendation the invaluable service rendered by Anna B. Crow as a staff member since 1972 and as editor since 1985 of The Catholic Week; and

WHEREAS, Mrs. Crow, a member of Saint Catherine's Parish in Mobile and a former faculty member at Saint Catherine's School, first joined The Catholic Week staff as office manager, and later served as managing editor and business manager before assuming her responsibilities as editor in 1985; and

WHEREAS, during her tenure with The Catholic Week, Mrs. Crow performed numerous functions, in addition to her journalism responsibilities, such as organizing news conferences and oftentimes acting as archdiocesan spokesperson; and

WHEREAS, she further gained the respect and recognition of her peers, both in journalism and other media, and for her knowledgeability and editorial expertise, was held in highest regard within the Catholic Press Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Anna B. Crow of Mobile, Alabama, for outstanding service and contributions to The Catholic Week, to Saint Catherine's Parish and School and to the archdiocese.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mrs. Crow that she may know of our sincere praise of her accomplishments and warm best wishes for every joy and happiness in retirement.

On motion of Rep. Kvalheim, the rules were suspended and the resolution H. J. R. 215, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 216. CONGRATULATING MARY AUGUSTA DAWSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Mary Augusta Dawson, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Mary Augusta Dawson, an active member of Saint Mary Church, has been active in her parish and in the Archdiocesan Council of Catholic Women and other church boards and organizations, and her life has been faith-filled in service to others for the betterment of her church and her community; and

WHEREAS, Mary Augusta Dawson has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Mary Augusta Dawson, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent by the Clerk of the House to Mary Augusta Dawson, Mobile, Alabama, so that she may know of our esteem and appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 216, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 217. CONGRATULATING ANTOINETTE "TONI" BROCK, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Antoinette "Toni" Brock, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Antoinette "Toni" Brock, an active member of Saint Mary Church, has been active in her parish and her life has been faith-filled in service to others for the betterment of her church and her community; and

WHEREAS, Antoinette "Toni" Brock has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Antoinette Brock, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent by the Clerk of the House to Mrs. Antoinette Brock, Mobile, Alabama, so that she may know of our esteem and appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 217, was adopted.

Also:

By Reps. Zoghby and Kennedy:

H. J. R. 218. CONGRATULATING SALIME A. ZOGHBY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Salime A. Zoghby, a resident of Mobile, Alabama, recently was recognized, for meritorious work, his family life and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Salime A. Zoghby is a dedicated father of seven and business owner for many years, is an active member of Saint Catherine of Siena, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his family life has been a sterling example for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Salime A. Zoghby of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Salime A. Zoghby, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 218, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 219 CONGRATULATING VERNICE SPOTSWOOD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Vernice Spotswood, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from

His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Vernice Spotswood, a member of Saint Pius X, has been active in her parish as song leader, lector, and Eucharistic Minister and has served on many boards and organizations related to Catholic women at the local and Archdiocesan levels, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Vernice Spotswood has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Vernice Spotswood, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Vernice Spotswood, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution H. J. R. 219, was adopted.

Also:

By Reps. Zoghby and Kennedy:

H. J. R. 220. CONGRATULATING BRADLEY G. SMITH, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Bradley G. Smith, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Bradley G. Smith, a member of Saint Ignatius Church, has been active in her parish and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Bradley G. Smith has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Bradley G. Smith, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Bradley G. Smith, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 220, was adopted.

Also:

By Reps. Zoghby and Kvalheim:

H. J. R. 221. CONGRATULATING ELOISE FADELLA, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Eloise Fadella, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Eloise Fadella, a member of Corpus Christi Church, has been active in her parish; she has served on the boards of Catholic Social Services, the Mobile district, and the Archdiocesan Council of Catholic Women, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Eloise Fadella has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her family life has been exemplary, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Eloise Fadella, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Eloise Fadella, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 221, was adopted.

Also:

By Reps. Zoghby and Kvalheim:

H. J. R. 222. CONGRATULATING HERBERT R. NOLETTA, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Herbert R. Noletto, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Herbert R. Noletto is an active member of Saint Mary Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate

Sir Herbert R. Noletto of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Herbert R. Noletto, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 222, was adopted.

Also:

By Reps. Zoghby and Kvalheim:

H. J. R. 223. CONGRATULATING FREDERICK T. STUARDI, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Frederick T. Stuardi, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Frederick T. Stuardi is an active member of Saint Pius X Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Frederick T. Stuardi, Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Frederick T. Stuardi, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 223, was adopted.

Also:

By Reps. Zoghby, Marietta, Kvalheim, and Kennedy:

H. J. R. 224. CONGRATULATING DORIS BENDER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Doris L. Bender, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Doris Bender, an active member of Saint Dominic Church, has been active in her parish and formerly was the director of the pensions and security department in Mobile, and her life has been faith-filled in service to others for the betterment of her church and her community; and

WHEREAS, Doris Bender has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Doris L. Bender, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which earned for her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent by the Clerk of the House to Miss Doris L. Bender, so that she may know of our esteem and appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 224, was adopted.

Also:

By Reps. Zoghby and Kvalheim:

H. J. R. 225. CONGRATULATING BEVERLY FINKBOHNER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Beverly Finkbohner, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Beverly Finkbohner, a member of St. Mary Church, has been active in her parish and is the Director of the McGill-Tollen Foundation, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Beverly Finkbohner has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Beverly Finkbohner, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Beverly Finkbohner, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 225, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 226. COMMENDING JOEL R. BROWN FOR CREDIT UNION SERVICE.

Also:

The following resolutions were introduced:

By Rep. Newman:

H. J. R. 227. COMMENDING THE 252ND TRANSPORTATION TRUCK COMPANY OF THE ALABAMA NATIONAL GUARD IN HAMILTON, ALABAMA.

WHEREAS, the Legislature of Alabama takes great pride in commending the 252nd Transportation Truck Company of the National Guard in Hamilton, Alabama; and

WHEREAS, the 252nd Transportation Truck Company was called into federal service in September 1950, and further ordered to Korea in December 1950; the unit was attached to the 2nd U.S. Infantry Division during the first Chinese Communist Spring Offensive in 1951; and

WHEREAS, the Division and attached units were awarded the Distinguished Unit Citation (Presidential Unit Citation), for heroic action against the Chinese communist forces during the period from May 16 through May 22, 1951; and

WHEREAS, part of the Citation states, "Defending the critical sector of Eighth Army battlefield, the 2nd Infantry Division and attached units faced a hostile force of 12 Chinese Communist divisions with an estimated strength of 120,000 troops. The Third Chinese Army Group drove the full force of its savage assault against the 2nd Infantry Division with the specific mission of annihilation of the unit. . . . The heroic and determined stand by the 2nd Infantry Division and attached units provided critically required time for other Eighth Army units to regroup and block the attempted enemy development. Without thought of defeat, this heroic unit demonstrated superb battlefield courage, knowledge, and discipline and displayed such gallantry, determination and esprit de corps in accomplishing this extremely difficult and hazardous mission as to set it apart and above other units participating in similar operations. Its sustained brilliance in battle, resolution, and extraordinary heroism reflect unsurpassed credit on those courageous soldiers who participated and are in keeping with the finest traditions of the United States Army. . . ."; and

WHEREAS, the 252nd Transportation Truck Company is the only Alabama National Guard Unit to ever be awarded the Presidential Unit Citation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the officers and men of the 252nd Transportation Truck Company for this great and distinctive honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided The Adjutant General of Alabama, Montgomery, Alabama; the 877th Engineer Battalion (successor unit to the 252nd T. T. Company), Hamilton, Alabama; and to the present 252nd Transportation Company (Helicopter), Birmingham, Alabama, for unit files.

On motion of Rep. Newman, the rules were suspended and the resolution H. J. R. 227, was adopted.

Also:

By Rep. Newman:

H. J. R. 228. CONGRATULATING THE HUBBERTVILLE LADY LIONS ON THE STATE 1A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Coach Lamar Harris and the Hubbertville Lady Lions on the 1988 State Class 1A Basketball Championship, by virtue of their 53-39 victory over Brighton High School in the Title match for the 1A crown; and

WHEREAS, under Coach Harris and Assistant Coaches Larry Harrison and Chuck Marcum, the Lady Lions posted a fantastic 23-3 season and, in addition to the State Championship, won the Northwest Alabama Conference Title and were the Class 1A, Area 15 Champions; they then defeated Belgreen, Woodville and Paint Rock Valley in Sub-State Rounds one through three, before knocking off Autaugaville 40-28 in the Semifinals to cinch a berth in the Play-off game against Brighton; and

WHEREAS, the Hubbertville School 1A Champions are Cindy Moore, All-Tournament and MVP; Kristie Chaffin and Matilda Aldridge, All-Tournament; along with teammates Kelly Tucker, Stephanie Hubbert, Rebekah Hubbert, Angela Everette, Sanid Harris, Susan Hubbert, Jennifer Hubbert, Karen Moore, Becky Warren, Stella Aldridge, Kristie Patrick and Diana Stovall, with Brian McCluskey, Bryan Fisher and Bert Hollingsworth serving as team managers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Hubbertville School Lady Lions on the 1988 State Class 1A Basketball Championship, and do further direct that copies of this resolution be forwarded to Principal Caldwell Hollingsworth for appropriate presentation and school display.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 228, was adopted.

Also:

By Rep. Rogers:

H. J. R. 229. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON GUN CONTROL IN ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study gun control in Alabama. The committee shall be composed of 11 members as follows: the member of the Alabama House of Representatives representing the 52nd District, the President, or his designee, of the National Rifleman's Association, the sheriffs of the four largest counties in the State, the sheriff of the smallest county in the State, one member appointed by the Speaker of the House, one member appointed by the lieutenant governor, one member appointed by the attorney general, and one member appointed by the governor. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of

the committee. The committee shall study all facets of gun control including other state's laws on the subject as well as those of other nations.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00. The committee shall have subpoena power.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Rogers offered the motion to suspend the rules and adopt the resolution, H. J. R. 229.

DIVISION OF THE QUESTION

Rep. Johnson (RW) called for the Division of the question and the call was sustained.

MOTION TO SUSPEND THE RULES LOST

The question was then on the motion offered by Rep. Rogers to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 229, and the motion was lost.

Yeas 15; Nays 63.

Yeas:

Reps. Buskey (JE), Buskey (JL), Davis, Escott, Grayson, Holmes, Kennedy, McClain, McDowell, Mikell, Newton (D), Perdue, Rogers, Spratt and Thomas.

—15

Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Cobrun, Colvin, Crow, Curry, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hibbingotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, Warren, White (F), White (G) and Wright.

—63

The resolution, H. J. R. 229, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 201. CONGRATULATING COURTLAND HIGH SCHOOL ON THE 1988 CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 202. COMMENDING MR. J. B. PURVIS ON HIS DISTINGUISHED CAREER.

Also:

H. J. R. 203. CONGRATULATING HAZLEWOOD HIGH SCHOOL OF TOWN CREEK, ALABAMA, ON THE 1988 CLASS 2A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 205. COMMENDING STANLEY H. HOUSTON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 206. CONGRATULATING ABBEVILLE CHRISTIAN ACADEMY ON THE 1988 STATE SOFTBALL CHAMPIONSHIP.

Also:

H. J. R. 209. COMMENDING J. THOMAS McKENSIE ON HIS DISTINGUISHED CAREER WITH THE ALABAMA POWER COMPANY, 1948-1989.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 230. COMMENDING THE HONORABLE PHYLLIS S. NESBIT FOR DISTINGUISHED JUDICIAL SERVICE.

Also:

By Reps. Penry and McMillan:

H. R. 231. COMMENDING THE HONORABLE ARTHUR CHARLES EPPERSON FOR DISTINGUISHED JUDICIAL SERVICE.

Also:

The following resolution was introduced:

By Rep. Knight:

H. J. R. 232. COMMENDING STANLEY OLIVER OF ALABASTER, ALABAMA, FOR OUTSTANDING COURAGE IN THE LINE OF DUTY.

WHEREAS, the Legislature of Alabama expresses utmost commendation of Stanley Oliver, a member of the Alabaster Police Department who was wounded in the line of duty during the arrest of a suspected felon; and

WHEREAS, a 17-year veteran with the Alabaster police force and in charge of the department's patrol division, Lieutenant Oliver approached a young man whom he recognized as a burglary suspect; the suspect resisted arrest, and during the ensuing struggle, Lieutenant Oliver was wounded by a gunshot; and

WHEREAS, Lieutenant Stanley Oliver, who also serves as chaplain for the department, is indeed deserving of highest praise and gratitude for his outstanding display of courage, and for his prompt actions, despite grave personal risk, to prevent possible endangerment of the lives and property of the citizens of Alabaster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lieutenant Stanley Oliver of Alabaster, Alabama, for outstanding courage and performance of duty, and direct that he receive a copy of this resolution that he and his family may know of our sincere praise and regard.

On motion of Rep. Knight, the rules were suspended and the resolution, H. J. R. 232, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Layson:

H. R. 233. COMMENDING EVERETT CLARENCE OWENS, III, OF ALICEVILLE, ALABAMA.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and previously filed a Notice in Writing, Rep. Layson offered the motion to reconsider the vote by which the bill, H. 177, was passed, and the motion to reconsider was adopted.

Yeas 35; Nays 34.

Yeas:

Reps. Adams, Beers, Blake, Blakeney, Britnell, Brooks, Butler, Crow, Curry, Flowers, Frazier, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Hooper, Knight, Laird, Layson, Marks, McKee, Mikell, Payne, Poole, Sanderford, Turnham, Walker, Warren, White (G), Williams and Wright.

—35

Nays:

Reps. Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Carothers, Clay, Coburn, Colvin, Davis, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Haynes, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsay, Mathis,

McClain, McMillan, Moon, Newman, Penry, Richardson, Starkey, Thomas, White (F), White (L) and Zoghby.

—34

RESOLUTIONS

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 234. PROVIDING FOR A SPACE IN THE STATE CAPITOL FOR PLACEMENT OF PICTURES AND PLAQUES BY THE SENIOR CITIZENS HALL OF FAME COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and recognition of the outstanding accomplishments and contributions of Alabama's senior citizens, an appropriate place in the State Capitol shall be selected by the State Finance Director, and thereafter allocated for use by the Senior Citizens Hall of Fame Commission to display selected pictures and plaques furnished by the commission.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be forwarded to the State Finance Director for appropriate action in compliance with this resolution.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 234, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Flowers:

H. R. 235. CONGRATULATING MR. AND MRS. HENRY L. GREER ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Buskey (JE), Zoghby, Kennedy, Gaston, and Marietta:

H. J. R. 236. CONGRATULATING AGNES BROWN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Agnes Brown, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Agnes Brown, a member of Saint Francis Xavier Church, has been active in her parish and has served on many archdiocesan and district boards and organizations related to the concerns of Catholic Women and Catholic Social Service, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Agnes Brown has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in

our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Agnes Brown, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Agnes Brown, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Buskey (JE), the rules were suspended and the resolution, H. J. R. 236, was adopted.

Also:

By Reps. Bugg and Colvin:

H. J. R. 237. COMMENDING PAULINE BARNES OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Pauline Barnes, who attends Snellgrove Civitan Center, has captured on canvas the beauty of flowers and the tranquility of the forest as only a talented artist can; and

WHEREAS, Ms. Barnes captured first place for the state in the calendar design division of the recent annual Art Design Contest sponsored by the Association for Retarded Citizens (ARC); and

WHEREAS, she submitted three drawings—a unicorn, horse and church—for the contest sponsored by ARC - Etowah; and

WHEREAS, as a winner in the local competition, her work was sent for judging at the state level and is now being considered at ARC's national headquarters in Arlington, Texas; and

WHEREAS, Margaret Hand discovered Ms. Barnes at the Civitan Center when she was about 17 and remained her art teacher for seven years; and

WHEREAS, she was one of the first students to enter the public school system in 1966 under the federal program to educate the handicapped and was in the band at General Forrest Middle School and Etowah High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Pauline Barnes of Gadsden, Alabama, for extraordinary accomplishment.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Pauline Barnes with our very best wishes for the future.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 237, was adopted.

Also:

By Rep. Melton;

H. J. R. 238. CREATING AN INTERIM COMMITTEE ON LOW INCOME HOUSING.

WHEREAS, the Alabama Legislature notes that housing for people on low income has become critical and funding sources therefor difficult to obtain for most; and

WHEREAS, a comprehensive study plan to assess and present solutions to the housing needs of our citizens is necessary for the Governor and the Legislature to address those needs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Joint Interim Committee on Low Income Housing for the purpose of assessing and addressing the housing needs of Alabamians on low income. Such committee shall be composed of fifteen members to include four members from each the House and Senate, appointed by the Speaker of the House and the Lieutenant Governor, respectively; and seven members from the public and private sectors who shall be appointed as follows: one by the Alabama Banking Industry; one by the Alabama Real Estate Industry; one by the Alabama Office of the Department of Housing and Urban Development; one by the Office of CSP of West Alabama; one by the Alabama Home Builders Association; one by the Alabama Office of the Farmer's Home Administration; and the Chief of Community Services Division of ADECA. The committee shall elect from its members its chairman and vice chairman, and shall set its own rules of procedure to conduct its affairs and meet at the call of the chair.

BE IT FURTHER RESOLVED, That the committee shall include in its comprehensive plan all pertinent areas and facets which impact the causes and solutions to the critical housing shortage and potential funding sources for producing affordable housing for persons on low income in Alabama, and specifically:

- a) an assessment of the status of low income housing in Alabama;
- b) the development of a plan which will be used to address the housing needs identified by the study;
- c) the identification and/or establishment of funding sources necessary to improve and produce low income housing; and
- d) the establishment of state policies on low income housing.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses within and without the state for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state; the members from the private sector and the public sector members, to the extent that said members are not reimbursed from their respective federal or state agencies, shall be reimbursed for their mileage and reasonable necessary expenses incurred attending to the business of the committee and upon approval of the chairman and as provided by law. Provided, however, such expenses shall not exceed

the total sum of \$5,000.00 which shall be paid from any funds appropriated to the Legislature.

BE IT FURTHER RESOLVED, That the committee shall report its findings, conclusions and recommendations in writing on or before the fifth legislative day of the 1990 Regular Session, at which time the said committee shall be forever discharged of any duties or powers and shall be dissolved.

The resolution, H. J. R. 238, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 239. COMMENDING COACH RICKEY KNIGHT AND LURLEEN B. WALLACE LADY SAINTS, 1988 JUNIOR COLLEGE BASKETBALL CHAMPIONS.

Also:

By Rep. Hammett:

H. R. 240. CONGRATULATING ANDALA'S ARROW SHIRT PLANT FOR WINNING CLUETT-PEABODY'S PLANT OF THE YEAR AWARD.

Also:

By Rep. Hammett:

H. R. 241. COMMENDING CHERLY GARDNER OF LURLEEN B. WALLACE STATE JUNIOR COLLEGE, FOR OUTSTANDING ACHIEVEMENT.

MOTION TO RE-REFER ADOPTED

The motion offered by Rep. Black to re-refer the bill, H. 586, was adopted.

Yeas 30; Nays 4.

Yeas:

Reps. Black, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Curry, Davis, Gray, Grayson, Grouby, Higginbotham, Johnson (RG), Kennedy, Layson, Mathis, McDowell, McMillan, Melton, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Rogers, Spratt, White (L), Wright and Zoghby.

—30

Nays: Reps. Holley, McKee, Walker and White (G).

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER CALENDAR

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Bugg, the Budget Isolation Resolution and the bill, H. 250, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Payne Budget Isolation Resolution relating to H. B. 46, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Bowling, Brooks, Carter, Colvin, Curry, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Headley, Holley, Johnson (RG), Knight, Kvalheim, Marks, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Payne, Petelos, Rains, Sanderford, Slaughter, Spratt, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Brooks, Bryant, Bugg, Butler, Carter, Colvin, Curry, Flowers, Ford, Freeman, Grayson, Hall, Harvey, Haynes, Headley, Higginbotham, Holley, Johnson (RG), Knight, Kvalheim, Marks, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Rains, Sanderford, Slaughter, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Wright and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 201. CONGRATULATING COURTLAND HIGH SCHOOL ON THE 1988 CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 202. COMMENDING MR. J. B. PURVIS ON HIS DISTINGUISHED CAREER.

Also:

H. J. R. 203. CONGRATULATING HAZLEWOOD HIGH SCHOOL OF TOWN CREEK, ALABAMA, ON THE 1988 CLASS 2A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 205. COMMENDING STANLEY H. HOUSTON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 206. CONGRATULATING ABBEVILLE CHRISTIAN ACADEMY ON THE 1988 STATE SOFTBALL CHAMPIONSHIP.

Also:

H. J. R. 209. COMMENDING J. THOMAS McKENZIE ON HIS DISTINGUISHED CAREER WITH THE ALABAMA POWER COMPANY, 1948-1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of the quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 45. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally,

so as to provide for a license year of from August 1 to July 31 of each year for those hunting or fishing licenses provided for in Sections 9-11-44 or 9-11-53, Code of Alabama 1975, as last amended; and to provide for the license years to which said amendatory provisions apply.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers Budget Isolation Resolution relating to H. B. 428, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Britnell, Brooks, Bryant, Butler, Carter, Colvin, Curry, Davis, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Holley, Kennedy, Kvalheim, Marks, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Bowling, Britnell, Brooks, Bugg, Buskey (JE), Curry, Davis, Flowers, Freeman, Fuller, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Holley, Kennedy, Knight, Kvalheim, Marks, McClain, Melton, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Rogers, Sanderford, Spratt, Starkey, Turnham, Warren, White (F), White (G), White (L), Williams and Wright.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Petelos Budget Isolation Resolution relating to H. B. 548, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Clay, Colvin, Curry, Flowers, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Headley, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—55

And the bill:

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Black, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Colvin, Crow, Curry, Drake, Flowers, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Harper, Hogan, Kennedy, Knight, Kvalheim, Marks, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Sanderford, Slaughter, Spratt, Turnham, Warren, White (F) and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Reps. Harper, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvery, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 242. COMMENDING OUR COLLEAGUE AND DEAN OF THE ALABAMA LEGISLATURE, MR. PETE TURNHAM OF AUBURN.

WHEREAS, since 1983, our esteemed colleague, Mr. Pete Turham of Auburn, has reigned as Dean of the Alabama Legislature by virtue of his cumulative years of service which surpass that of any other current member of the Legislature; and

WHEREAS, Representative Turnham's long and faithful service dates from his election to the Alabama House of Representatives from Lee County for the 1958-1962 quadrennium and, having served continuously through subsequent re-election, is now in his 31st year as a member of the Legislature; and

WHEREAS, during this prestigious tenure, Pete Turnham has served as a member, and in leadership as well, of numerous important standing and interim committees, and his contributions to both his district and the state have been tremendously significant; and

WHEREAS, we further note, in recognizing Mr. Turnham as Dean of the Legislature, that during these past 30-plus years, including organizational, regular and those extraordinary sessions called by the various governors, "Mr. Pete" has traveled to the Capitol City for a total of 74 legislative sessions; and

WHEREAS, Representative Pete Turnham is indeed a most prominent and effective public servant whose impeccable credentials of experience and ability are invaluable to this body and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in tribute to the Dean of the Alabama Legislature, Auburn University's number one booster and our very good friend, Mr. Pete Benton Turnham.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 242, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Petelos, Budget Isolation Resolution relating to H. B. 549, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Colvin, Crow, Curry, Davis, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Williams, Wright and Zoghby.

—65

And the bill:

H. 549. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Colvin, Crow, Curry, Davis, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Turner, Trunham, Venable, White (F), White (G), White (L), Williams, Wright and Zoghby.

—62

Nay: Rep. Spratt.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. McClain, Budget Isolation Resolution relating to H. B. 583, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Colvin, Curry, Davis, Ford, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers,

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Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, White (G), White (L), Wright and Zoghby.

—58

And the bill:

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Britnell, Brooks, Bryant, Buskey (JL), Butler, Colvin, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Wright and Zoghby.

—61

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 63. COMMENDING JAMES R. DAVIS FOR DISTINGUISHED SERVICE TO THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Beers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 63, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESUMED

On motion of Rep. McMillan, Budget Isolation Resolution relating to S. B. 340, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beers, Blake, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carter, Colvin, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston,

Goodwin, Grouby, Hall, Harper, Harvey, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, White (F), White (G), White (L), Williams and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 340. Relating to the City of Bay Minette in Baldwin County, to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Was read a third time at length and passed.

Yeas 44; Nays 0.

Yeas:

Reps. Beers, Blakeney, Box, Britnell, Brooks, Bryant, Butler, Carter, Curry, Davis, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Richardson, Sanderford, Spratt, Starkey, White (F), White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 45. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to provide for a license year of from August 1 to July 31 of each year for those hunting or fishing licenses provided for in Sections 9-11-44 or 9-11-53, Code of Alabama 1975, as last amended; and to provide for the license years to which said amendatory provisions apply.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 389, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Brooks, Bryant, Bugg, Buskey (JL), Butler, Coburn, Colvin, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—55

And the bill:

H. 389. Relating to Cullman County; prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Coburn, Colvin, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, Moon, Newman, Newton (C), Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Venable, White (F), White (G) and White (L).

—55

BUDGET ISOLATION RESOLUTIONS TEMPORARILY CARRIED OVER

On motion of Rep. Flowers, the Budget Isolation Resolution and the bill, H. 500, were temporarily carried over.

On motion of Rep. Zoghby, the Budget Isolation Resolution and the bill, H. 510, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton, Budget Isolation Resolution relating to H. B. 603, was adopted.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Coburn, Colvin, Curry, Davis, Drake, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, Moon, Newman, Newton (D), Payne, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—57

Nay: Rep. Parker.

—1

And the bill:

H. 603. Relating to Limestone County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Harper, Harvey, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, Moon, Newman, Newton (C), Payne, Petelos, Poole, Richardson, Sanderford, Starkey, Turnham, Venable, White (F), White (G), White (L) and Wright.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell Budget Isolation Resolution relating to H. B. 617, was adopted.

Yeas 32; Nays 5.

Yeas:

Reps. Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Coburn, Colvin, Davis, Escott, Ford, Fuller, Harper, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, McClain, McDowell, Melton, Newman, Newton (D),

Poole, Richardson, Rogers, Spratt, Thomas, Venable, White (F), White (G) and White (L).

—32

Nays: Reps. Frazier, Grouby, Hamilton, Layson and Marks.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Coburn, Colvin, Crow, Davis, Escott, Ford, Fuller, Gray, Grayson, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Penry, Perdue, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Frazier, Budget Isolation Resolution relating to H. B. 672, was adopted.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carter, Coburn, Crow, Davis, Drake, Escott, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Hamilton, Harvey, Headley, Hogan, Holmes, Johnson (RW), Kvalheim, Layson, Marks, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—56

Nay: Rep. Curry.

And the bill:

H. 672. Relating to Walker County; to charge each constable with the duty of enforcing all litter laws within his precinct.

Was taken up.

AMENDMENT OFFERED

Rep. Frazier offered the following amendment to the bill H. 672.

On page 1, delete lines 12 through 14 in their entirety and insert in lieu thereof:

Relating to Walker County, to charge certain constables and beat managers with the duty of enforcing all litter laws within said officers' jurisdiction; to authorize the sheriff to revoke said authority; and to provide for the implementation of the provisions of this act.

On page 1, on line 31, after the language "said litter laws." insert the following:

Provided however, the provisions of this act shall not apply to the constable in Beat 29. In Beat 29 the beat managers shall be charged with the powers, duties and responsibilities prescribed herein.

The authority granted any constable or beat manager pursuant to the provisions of this act may be revoked by the sheriff, if the sheriff, in his sole discretion, determines said constable or beat manager is abusing said authority. The sheriff shall file a notarized statement with the county commission specifying the revocation of said authority.

All constables and beat managers provided for herein shall be under the direct supervision of the sheriff.

The provisions of this act shall not be implemented until the sheriff files a notarized statement with the county governing body declaring said provisions shall become operative.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Coburn, Curry, Davis, Drake, Escott, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harper, Harvey, Headley, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Sanderford, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—59

And the bill:

H. 672. Relating to Walker County, to charge certain constables and beat managers with the duty of enforcing all litter laws within said officers'

jurisdiction; to authorize the sheriff to revoke said authority; and to provide for the implementation of the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Box, Breedlove, Brooks, Bryant, Butler, Carter, Coburn, Crow, Curry, Davis, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hogan, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rogers, Sanderford, Spratt, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to H. B. 673, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Carter, Coburn, Curry, Davis, Drake, Escott, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Sanderford, Starkey, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Escott, Freeman,

Gaston, Goodwin, Grayson, Hall, Harper, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey Budget, Isolation Resolution relating to H. B. 674, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Haynes, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—59

And the bill:

H. 674. Relating to Blount County; to amend Section 12 of Act No. 57 of the 1956 Regular Session (Acts 1956, p. 86) relating to levying a tax on gasoline, kerosene and diesel fuel so as to provide further for distribution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant, Budget Isolation Resolution relating to H. B. 685, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carter, Coburn, Davis, Drake, Escott, Ford,

Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—62

And the bill:

H. 685. (With Amendment): Relating to Perry County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

Was taken up.

The question then was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 685, Page 6, Section 8, Line 2, after the number "(1)" by striking ~~Seventy-five percent (75%)~~ and inserting in lieu thereof the following:

Fifty percent (50%)

Further amend H. B. 685, Page 6, Section 8, immediately following Line 5 by adding the following:

(3) Seventeen and twenty-three hundredths percent (17.23%) shall be distributed to the Town of Marion.

(4) Seven and seventy-seven hundredths percent (7.77%) shall be distributed to the Town of Uniontown.

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—60

AMENDMENT OFFERED

Rep. Bryant offered the following amendment to the bill, H. 685 as amended:

Amend H. B. 685, Page 1, line 13 by inserting, directly between the words "sales" and "tax", the words "and use"

further amend H. B. 685, Page 1, line 14 by inserting directly between the words "sales" and "tax", the words "and use", and immediately following the word "tax" insert the word "laws"

further amend H. B. 685, Page 1, lines 14 and 15 by deleting the language which reads:

~~provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended~~

further amend H. B. 685, Page 2 by inserting, immediately after the definition on line 10, the following new definition:

(5) "State Use Tax" means the tax imposed by the State use tax statutes.

further amend H. B. 685, Page 2, line 15 by inserting immediately after the numerals "(\$.01)" and immediately preceding the word "privilege" the following:

per dollar

further amend H. B. 685, Page 2, lines 12 and 16 by inserting, directly between the words "sales" and "tax", the language "and use"

further amend H. B. 685, Page 2, line 24 by inserting, directly between the words "sales" and "tax", the new words "and use"

further amend H. B. 685, Page 2, on lines 25 and 26 by striking the language which reads ~~the state sales tax~~ and inserting in lieu thereof the following:

state sales and use taxes

further amend H. B. 685, Page 4, line 12 by inserting immediately following the word "sales", the new language "and use"

further amend H. B. 685, Page 4, on lines 21 and 27 by inserting directly between the words "sales" and "tax" the words "and use"

further amend H. B. 685, Page 5, line 2 by inserting, directly between the words "sales" and "tax", the new words "and use"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carter, Coburn, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 685. Relating to Perry County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax laws, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carter, Coburn, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Layson, Marks, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to H. B. 689, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Starkey, Turner, Venable, White (F), White (G), Williams and Zoghby.

—53

And the bill:

H. 689. Pertaining to Jackson County, to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Jackson County Work Release and Pretrial Release Fund; to set standards for judicial officers in said county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Jackson County and to provide that certain acts by such

persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Jackson County Work Release and Pretrial Release Commission; to provide for the membership of said commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pretrial release and work release programs in Jackson County; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 2.

Yeas:

Mr. Speaker, Black, Blake, Box, Breedlove, Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Ford, Freeman, Gaston, Hall, Harper, Haynes, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams and Zoghby.

—49

Nays: Reps. Brooks and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 696, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carter, Coburn, Curry, Davis, Drake, Gaston, Goodwin, Harper, Haynes, Higginbotham, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rogers, Sanderford, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams and Zoghby.

—54

And the bill:

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 697, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Hamilton, Harper, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Williams and Zoghby.

—58

And the bill:

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Carter, Coburn, Curry, Davis, Drake, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McMillan, Melton, Newman, Newton (C), Parker,

Payne, Penry, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Williams and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 699, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—62

And the bill:

H. 699. Relating to Chambers County; to abolish the office of constable therein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McKee, McMillan, Melton, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 700, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Coburn, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Harper, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks,

McDowell, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—57

And the bill:

H. 700. Relating to Chambers County; to provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Coburn, Curry, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution relating to H. B. 702, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, McMillian, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—57

And the bill:

H. 702. Relating to Russell County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; and expressing legislative intent regarding said contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, McMillian, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution relating to H. B. 703, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carter, Coburn, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McMillian, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—56

And the bill:

H. 703. Relating to Russell County; levying a lodging tax; and providing for the collection and distribution of said tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Buskey (JE), Carter, Coburn, Curry, Davis, Drake, Ford, Freeman, Gaston, Goodwin, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, McClain, McDowell, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rains, Budget Isolation Resolution relating to H. B. 704, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Buskey (JE), Carter, Coburn, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams and Zoghby.

—56

And the bill:

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Coburn, Crow, Davis, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 705, was adopted.

Yeas 53; Nays 0.

Yeas:

Reps. Adams, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Coburn, Davis, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—53

And the bill:

H. 705. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and Tuscaloosa County Commission; to provide

further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Carter, Coburn, Crow, Davis, Drake, Ford, Frazier, Freeman, Goodwin, Hall, Hamilton, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Starkey, Venable, White (F), White (G) and White (L)

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution relating to H. B. 690, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carter, Coburn, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Haynes, Headley, Holley, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McClain, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 690. Relating to the distribution of certain monies received by Escambia County from severance and privilege tax on oil and gas; amending further section 1 of Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, p. 215), relating to the payment, use and distribution of net monies received by the county from such tax, so as to further define the

provision in the Code of Alabama 1975, which authorizes the distribution of such monies to the county; providing for the distribution of monies previously received by Escambia County from such tax under general law pursuant to section 4 of the said Act No. 82-744; and amending section 4 of said Act No. 82-744 so as to provide that the monies received by Escambia County under such section after the effective date of this amendatory act shall be deposited in the general fund of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carter, Coburn, Davis, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Haynes, Holley, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, White (F), White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution relating to H. B. 691, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carter, Coburn, Davis, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Kvalheim, Layson, Marks, McClain, McDowell, McKee, Mikell, Moon, Newman, Parker, Payne, Poole, Richardson, Sanderford, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. Providing that the district attorney of the twenty-first judicial circuit shall be reimbursed for certain contributions such district attorney

is required to make under Act No. 88-921, S. 99 of the First Special Session of the Legislature in 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps. Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Coburn, Davis, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Kvalheim, Layson, Marks, McClain, McDowell, McKee, McMillian, Mikell, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution relating to H. B. 692, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carter, Coburn, Davis, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Kvalheim, Layson, Marks, McClain, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Sanderford, Turner, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 692. Relating to Escambia County, establishing the office of Chairman of the Escambia County Commission, requiring that the person elected to serve as such chairman serve full time, providing for the compensation of the Chairman of the Escambia County Commission and providing for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carter, Coburn, Crow, Davis, Drake, Flowers, Ford, Freeman, Gaston, Goodwin,

Grayson, Grouby, Hall, Hamilton, Higginbotham, Hogan, Holley, Kvalheim, Layson, Marks, Mathis, McClain, McKee, McMillan, Newman, Newton (C), Parker, Payne, Penry, Richardson, Sanderford, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTIONS TEMPORARILY CARRIED OVER

On motion of Rep. Britnell, the Budget Isolation Resolution and the bill, H. 711, were temporarily carried over.

On motion of Rep. White (G), the Budget Isolation Resolution and the bill, H. 576, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Spratt Budget Isolation Resolution relating to H. B. 662, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Carter, Coburn, Davis, Drake, Escott, Ford, Gaston, Goodwin, Grayson, Harvey, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Rogers, Sanderford, Spratt, Starkey, White (F), White (G), White (L), Wright and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 662. To amend Article VI, Section 8 Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for

extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Bryant, Carter, Davis, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Haynes, Hogan, Johnson (RG), Kvalheim, Marks, McClain, McKee, McMillian, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Rogers, Starkey, Turner, White (F), White (G), White (L), Wright and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers, Budget Isolation Resolution relating to H. B. 576, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Brooks, Bryant, Carter, Coburn, Davis, Drake, Escott, Ford, Gaston, Goodwin, Grayson, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McClain, McDowell, McKee, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Rogers, Sanderford, Spratt, Starkey, Turner, White (F), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Britnell, Brooks, Bryant, Buskey (JE), Carter, Coburn, Davis, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Grayson,

Hamilton, Harvey, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McClain, McDowell, Newman, Newton (D), Parker, Perdue, Petelos, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Wright and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (G), Budget Isolation Resolution relating to H. B. 721, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Coburn, Davis, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Grayson, Hamilton, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson, (RW), Kvalheim, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, White (F), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 721. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 and Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

Was taken up.

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 721:

Amend Section 3 to read in full as follows:

"Section 3. Article VI, of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby amended by adding thereto an additional section to read as follows:

"Section 23. Benefit Increases.

Upon approval of the governing body of the municipality primarily served by the System and upon approval of the Board of Managers, an

increase in the amount of benefits, including improvements in the terms of benefits such as earlier vesting, and cost of living increases for past and future retirees, may be granted, subject to the terms and conditions stated herein.

Prior to approving an increase in the above described benefits, the Board shall obtain the actuarial evaluation of the fund. Such evaluation shall project the actuarial cost of benefits for the succeeding plan year and shall combine therewith the applicable payment required under the current and any future plan for amortizing unfunded Accrued Liability. This total amount shall be deducted from the total of participant's and city contributions. The remaining balance shall become the total available for benefit increases. Upon approval of the Board and the municipal governing body, this amount may be used to pay the cost, as determined by the Board's actuary, of benefit increases, improved vesting provisions, cost of living increases for past and future retirees, a reserve, and other benefits which may be adopted. Such benefit increases may be discontinued or reduced in the event participant and city contributions are not sufficient to pay all cost thereof."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Coburn, Davis, Drake, Escott, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McClain, McDowell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, Walker, White (F), White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 721 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carter, Coburn, Davis, Drake, Escott, Ford, Gaston, Goodwin, Grayson, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McClain, McDowell, Parker, Payne, Rogers, Sanderford, Starkey, Turner, White (G) and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McClain, Budget Isolation Resolution relating to H. B. 710, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Coburn, Davis, Drake, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Marks, McClain, McDowell, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Spratt, Turner, Venable, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Coburn, Davis, Escott, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Marks, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, Warren, White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Perdue to suspend the rules and to take up out of order the Budget Isolation Resolution and the bill, H. 563, was lost, lacking a four-fifths vote.

Yeas 10; Nays 5.

Yeas:

Reps. Davis, Escott, Gray, McClain, Newton (D), Perdue, Rogers, Spratt, White (G) and Zoghby.

—10

Nays: Reps. Beers, Curry, Payne, Petelos and Wright.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

LEAVE OF ABSENCE

On motion of Rep. Buskey (JE), leave of absence was granted for Rep. Clark (W).

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution relating to H. B. 500, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Butler, Coburn, Davis, Escott, Flowers, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Kennedy, McClain, Mikell, Moon, Newman, Newton (C), Parker, Payne, Rains, Sanderford, Spratt, Starkey, Turnham, White (G), Wright and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
12th Day

979

Yeas 29; Nays 0.

Yeas:

Reps. Adams, Beers, Box, Breedlove, Brooks, Buskey (JE), Coburn, Curry, Escott, Flowers, Freeman, Gaston, Goodwin, Hall, Kennedy, Marks, McClain, Newman, Newton (D), Parker, Perdue, Rains, Sanderford, Spratt, Starkey, Turnham, White (G), Wright and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 391, was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—83

Nay: Rep. Poole.

—1

And the bill:

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance

in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsoleted by these amendments.

Was taken up.

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 391:

Section 4, House Bill 391 is hereby amended as follows:

On Page 30, delete lines 1 through 19 and substitute the following therefor:

"(4) To determine the 'shared cost ratio' for any fiscal year, the net shared cost for such fiscal year shall be divided by the statewide total of taxable wages for the same fiscal year which have been reported by all contributory employers and upon which contributions have been timely paid (reduced by the total of the taxable wages reported and timely paid on by any employer or employers for the same fiscal year, who by the provisions of subdivision (5) of this subsection (e) are relieved of the shared cost assessment). The resulting quotient adjusted to the nearest multiple of one-thousandth shall be the 'shared cost ratio' applicable for assessment to all contributory employers for the next following calendar year.

"(5) a. Except as is hereinafter provided, the shared cost ratio as computed under the above provision for each fiscal year shall, for the next calendar year, be assessed each employer eligible for a rate determination under the provision of subdivision (a) (1) of this section, in addition to the rate of contributions determined by the tables contained in subsection (f) of this section.

1. Any employer whose rate of contribution has been determined to be the minimum rate allowed under Schedule A for a calendar year, shall be relieved of any shared cost assessment during that calendar year;

2. Any employer whose rate of contribution has been determined to be the minimum rate allowed under Schedule B for a calendar year and whose experience rating account has not been charged with any benefits during the three immediately preceding fiscal years, shall be relieved of any shared cost assessment for that calendar year;

3. No relief shall be granted to any employer for any portion of the shared cost assessment for a calendar year when either Schedule C or D is in effect.

b. The assessment for shared costs shall become due and payable at the same time and in the same manner as contributions.

c. The authority of the director to enforce collection of any shared cost assessment shall be the same as is provided in this chapter for the enforcement of the collections of contributions."

And

on page 41, delete lines 25 through 30 and insert the following in lieu thereof:

"b. Equal to the desired level but is less than 125% thereof, contribution rates shall be determined under Schedule B.

"c. Less than the desired level but is at least 70% thereof, contribution rates shall be determined under Schedule C."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Coburn, Colvin, Crow, Curry, Davis, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Wright and Zoghby.

—87

And the bill, H. 391 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clay, Coburn, Colvin, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable,

Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Covington and Foshee:

S. 83. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Also:

By Senators Covington and Foshee:

S. 84. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

Also:

By Senator deGraffenried:

S. 148. To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

Also:

By Senator Foshee:

S. 290. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, Code of Alabama 1975, and to repeal Sections 27-40-15, 27-40-16, 27-40-17 and 27-40-18 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete all references to and repeal any authorization for designated agents; to provide who is required to sign an agreement; to provide for a maximum service charge; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; and to provide for time limits for the return of unearned premiums.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 83. Public Utilities and Transportation.

S. 84. Public Utilities and Transportation.

S. 148. State Administration.

S. 290. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedford, Parsons, Hale, and Drinkard:

S. 310. To amend Section 36-29-2 of the Code of Alabama 1975 to provide further for the membership of the state employees' insurance board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 310. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 350. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 350, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 350. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Denton:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Also:

By Senators Hand, Bedford, Bedsole, Hale, and Barron:

S. 68. To amend Section 9-12-116, Code of Alabama 1975, as last amended, relating to the inspection of certain facilities and the evasion of certain provisions, so as to prohibit the refusal to permit such inspection or the collection of fisheries data, by any employee of the department of conservation and natural resources whose duty it is to conduct such activities.

Also:

By Senators Hand, Bedford, Bedsole, Hale, and Barron:

S. 70. To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$1,000.00 to \$1,250.00 upon conviction for the first offense, \$1,250.00 to \$1,500.00 for the second offense and \$1,500.00 to \$2,000.00 for the third and subsequent offenses during any two consecutive years. Trawls used during each offense shall be confiscated and upon conviction be forfeited to the department of conservation and natural resources.

Also:

By Senator Hale:

S. 224. To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order entered at the request of the department, except in cases where good cause not to do so is determined by the court or there is an agreement between parties not to have immediate implementation of income withholding, and to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 22. Ways and Means.

S. 68. Agriculture, Forestry and Natural Resources.

S. 70. Agriculture, Forestry and Natural Resources.

S. 224. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Bedsole, Hand, and Dixon:

S. 30. To establish an Alabama Health Care Hall of Fame; to prescribe its purposes and membership; and to provide for election of members and officers and for holding of meetings.

Also:

By Senator Smith (J):

S. 105. To allow Federal Judges to solemnize marriages amending Section 30-1-7 of the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 30. Health.

S. 105. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Denton:

S. 20. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include certain swimming pool contractors in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude certain swimming pool contractors from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Also:

By Senators Cabaniss, Dixon, Hilliard, Bennett, Hale, Foshee, Smith (J), and Bedsole:

S. 225. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per

offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 20. Small Business.

S. 225. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Hale and Bedsole:

S. 36. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 9-11-54, 9-11-55, and 9-11-56 of the Code of Alabama 1975, as amended from time to time.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 36. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Smith (J):

S. 79. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein. Further to amend Ala. Code §35-4-6 (1975) so as to provide that recordation of a memorandum of lease has the same effect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

Also:

By Senator Langford:

S. 135. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Also:

By Senator Foshee:

S. 142. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 79. Judiciary.

S. 135. Banking.

S. 142. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bailey:

S. 72. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Also:

By Senator Bishop:

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the

Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 72. Agriculture, Forestry and Natural Resources.

S. 388. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 275. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amend Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 275. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator deGraffenried:

S. 282. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided

further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

Also:

By Senators Barron, Bedsole, Hand, and Bailey:

S. 220. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to Appropriate Standing Committees as follows:

S. 282. State Administration.

S. 220. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hand:

S. 217. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 217. Commerce and Industrial Development.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation

Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 104. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Cabaniss, Ellis, Barron, Mitchem, and Dial:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Also:

By Senator Dixon:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 147. Judiciary.

S. 124. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron:

S. 57. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 57, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Manley:

S. 91. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

Also:

By Senator Denton:

S. 402. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 91. State Administration.

S. 402. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 431. Relating to Wilcox County; to amend Section 3 of Act No. 85-523 of the 1985 Regular Session (Acts 1985, p. 631), Act No. 85-826 of the

1985 Second Special Session (Acts 1985, p. 83), so as to provide further for the expense allowance and salary of the probate judge and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 431, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Covington (With Notice and Proof):

S. 451. Relating to Pike County, to authorize the county board of health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 451, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 431. Local Legislation No. 1.

S. 451. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bennett:

S. 255. Providing that any elected assistant district attorney shall be for the purposes of Title 12, Chapter 17, Article 6 of the Code of Alabama 1975, considered a district attorney.

Also:

By Senator Horn:

S. 266. To amend Section 12-18-6, Code of Alabama 1975, as amended, relating to eligibility for retirement of justices of the supreme court, judges of the courts of appeals and judges of circuit courts, so as to further provide therefor and creditable service.

Also:

By Senators Manley, Foshee, Barron, Dial, Bedsole, Dixon, Hale, Corbett, Langford, Goodwin, Bennett, Smith (J), Drinkard, Ellis, and Horn:

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members; the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing Committees as follows:

- S. 255. Ways and Means.
- S. 266. Ways and Means.
- S. 267. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 200. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 200. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Barron and Mitchem:

S. 62. To further amend Section 36-27-6, Code of Alabama 1975, as amended, relating to participation in the state employees' retirement system by employees and public officers of counties, municipalities and other political subdivisions and quasi-public organizations, so as to authorize certain employees of the community action agencies to be members of the state employees' retirement system upon certain conditions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 62. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 340. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

H. 586 RE-REFERRED

Pursuant to the motion previously offered by Rep. Black, the Speaker re-referred the bill, H. 586, from the Standing Committee on Judiciary to the Standing Committee on Commerce and Industrial Development.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Brooks would have voted "Yea" on the bill, H. 391, had light not malfunctioned.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

Rep. Harvey offered the motion to adopt the Budget Isolation Resolution relating to H. B. 118.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 243. COMMENDING THE HONORABLE DENNIS PORTER OF FAIRHOPE, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:23 P.M. on March 21, 1989.

H. J. R. 198

Delivered to the Governor at 4:00 P.M. on March 21, 1989.

H. J. R. 201

H. J. R. 202

H. J. R. 203

H. J. R. 205

H. J. R. 206

H. J. R. 209

Delivered to the Governor at 4:14 P.M. on March 21, 1989.

H. 45

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell, the House adjourned until 10:00 o'clock a.m., Thursday, March 23, 1989.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 23, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. C. K. Little, First Presbyterian Church, Alexander City, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Shannon Knight.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Petelos, leave of absence was granted for Rep. Seibels.

S. 83 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 83, from the Standing Committee on Public Utilities and Transportation to the Standing Committee on Commerce and Industrial Development.

S. 84 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 84, from the Standing Committee on Public Utilities and Transportation to the Standing Committee on Commerce and Industrial Development.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 672. Relating to Walker County, to charge certain constables and beat managers with the duty of enforcing all litter laws within said officers' jurisdiction; to authorize the sheriff to revoke said authority; and to provide for the implementation of the provisions of this act.

TOMMY CARTER,
Chairman.

And the bill, H. 672 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 685. Relating to Perry County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax laws, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

TOMMY CARTER,
Chairman.

And the bill, H. 685 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 244. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order named, be made the special and paramount order of business for the 13th legislative day, Thursday, March 23, 1989,

taking precedence over the regular order of business, or any pending or unfinished business, except as set forth below:

Inst Id	Page
<u>H. 118</u> —By Harvey—Unfinished Business	2
Joint Highway Committee, powers and authority re highway dept., highway dept. long-range planning and utilization of fed. and st. funds, Secs. 29-2-4, 29-2-6 am'd.	
<u>H. 76</u> —By Harvey	92
Counties, cities or other political subdivisions subject to fed. Uniform Relocation assistance and Real Property Acquisition Policies Act, auth. to practice cert. relocation assistance and payment procedures, Secs. 23-1-200 thru 23-1-209 repealed.	
<u>H. 139</u> —By Johnson (RG)	13
County health dept. may make provisional appt. to adm. public health services, Sec. 36-26-81 am'd.	
<u>H. 474</u> —By Turner (As Amended and Substituted)	84
Revenue Dept. authorized to use electronic media and computer output microfilm. Secs. 40-2-12 through 40-2-14 am'd.	
<u>H. 415</u> —By Payne	35
Municipalities, cert. prohib. on incorporation removed, Sec. 11-41-1 am'd.	
<u>H. 273</u> —By Carothers (As Substituted)	55
Health care facilities, deletes federal regulatory language, Secs. 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271 and 22-21-275 am'd.	
<u>H. 21</u> —By McClain	45
Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Secs. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.	
<u>H. 539</u> —By White (G)	135
Airport authorities, exercise of police jurisdiction, jurisdiction of crimes on property in mun. ct., Sec. 4-3-47 am'd.	
<u>H. 614</u> —By Zoghby (As Substituted)	143
Historical buildings, places and sites further defined and method of defining expanded, Sec. 40-8-1 am'd.	
<u>H. 450</u> —By Ford (As Amended)	59
Credit unions, can be made to cease and desist cert. activities, interest and charges, criminal penalties, Secs. 5-17-8, 5-17-18 am'd.	
<u>H. 158</u> —By Penry	53
Electric Cooperatives, Rural Electric Cooperatives, Bd. of Trustees may set debt limit & mortgage property, Sec. 37-6-21 am'd.	

REGULAR SESSION
13th Day

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H. 5—By Starkey 65

Teachers' Retirement System, former employees of Athens St. and jr. colleges auth. credit for cert. service, Sec. 16-25-13.1 am'd.

H. 494—By Freeman 39

Boats, registration fees incr., Sec. 33-5-17 am'd.

H. 592—By Holley (As Substituted) 104

Rural Electric Coops., auth. to own electric facilities, Sec. 37-6-3 am'd.

H. 91—By Campbell 10

Uniform fed. lien registration provided, Secs. 35-11-40, 35-11-41 repealed

H. 420—By White (L) 32

State employees, deductions from salaries for employee organizations

On motion of Rep. Carter, the resolution, H. R. 244, was adopted.

SPECIAL ORDER
UNFINISHED BUSINESS

The House then proceeded with consideration of the Unfinished Business on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 118, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Britnell, Carter, Crow, Curry, Davis, Ford, Gaston, Goodwin, Grayson, Hamilton, Headley, Hill, Knight, Kvalheim, Laird, Lindsey, Marks, Mathis, McDowell, McKee, McMillan, Newton (C), Parker, Payne, Petelos, Rains, Richardson, Starkey, Walker, White (F), White (L), Wright and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee,

so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Britnell, Burke, Campbell, Carothers, Carter, Colvin, Crow, Curry, Davis, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McDowell, McKee, McMillan, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Starkey, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 76, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Campbell, Carothers, Carter, Colvin, Cosby, Crow, Curry, Davis, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marks, Mathis, McDowell, McKee, Mikell, Newman, Parker, Payne, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas, Venable, Walker, White (F), White (G), Williams, Willis, Wright and Zoghby.

—64

H. 76 TEMPORARILY CARRIED OVER

On motion of Rep. Harvey, the bill, H. 76, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 139, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Carothers, Carter, Clay, Colvin, Cosby, Curry, Davis, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McKee, Melton, Moon, Newman, Parker,

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Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Thomas, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—58

And the bill:

H. 139. To amend Section 36-26-81, Code of Alabama, 1975, so as to provide for the provisional appointment of personnel to administer public health services within the county health department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Colvin, Cosby Curry, Davis, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Thomas, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 474, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Ford, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McClain, McDowell, McKee, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderson, Thomas, Turner, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—62

And the bill:

H. 474. (With Substitute) (With Amendment): To allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-2-12, Code of Alabama 1975, is hereby amended as follows:

“§40-2-12.

The commissioner of revenue of the state of Alabama is authorized to make or to have made microfilm copies, photostatic copies or other similar photographic reproductions of, or electronic reproduction or computer output microfilm of the data from, any books, records, returns, files, minutes, letters, correspondence, motor vehicle registration cards, reports, petitions, permits, applications, receipts, assessments, notices and any other document required to be maintained or kept by the department of revenue or any agency, division or employee thereof. The commissioner of revenue is authorized to destroy or cause to be disposed of, at any time after validation of the reproduction, any of the above named documents which have been micro-filmed, photostated or otherwise photographed: or the data from which they have been electronically or photographically recorded. Such microfilm, photostat, or other photograph, computer output microfilm or electronic reproduction shall be retained and kept in lieu of such documents required to be kept or maintained.”

Section 2. Section 40-2-13, Code of Alabama 1975, is hereby amended as follows:

“§40-2-13.

Such microfilm copies, photostatic copies, or other similar photographic reproductions, computer output microfilm or electronically recorded data of such above named documents shall for all purposes be deemed to be and have the force and effect of such documents themselves. A photostatic copy, photographic reproduction or other similar photograph, or typewritten copy or other copy of such original microfilm copy, photostatic copy, or other similar photographic reproduction of such documents, computer output microfilm, or electronically reproduced data, which has been duly certified to by the officer having custody of such original microfilm copy, photostatic copy, or other similar photographic reproduction, computer output microfilm or electronically recorded data in the department of revenue must be received as evidence in all courts in the same manner and to the same extent as would be a duly certified copy of such document itself.”

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Section 3. Section 40-2-14, Code of Alabama 1975, is hereby amended as follows:

“§40-2-14.

It is hereby declared to be the legislative intent to permit the commissioner of revenue to dispose of any documents required by law to be kept or maintained by the department of revenue in the event that photographic reproductions of such documents, computer output microfilm or electronically reproduced data are made or caused to be made by such commissioner and to give such photographic reproductions, computer output microfilm or electronically reproduced data the same force and effect as the document which has been so photographed, electronically recorded or recorded on computer output microfilm and disposed of.”

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 474 on page 2, line 15, following the word “maintained.” by adding thereto the following language:

The revenue department, in the disposition of its records, shall comply with the provisions of Title 41, Chapter 13, Code of Alabama 1975.

Further amend House Bill 474, on page 3, line 16, after the word “of.” by adding the following language:

The revenue department, in the disposition of its records, shall comply with the provisions of Title 41, Chapter 13, Code of Alabama 1975.

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Venable, Walker, White (F), White (L), Williams, Willis, Wright and Zoghby.

—76

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 474 as amended:

Amend the Substitute for H. 474, Page 2, line 11 by deleting the word "they".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, White (F), White (L), Williams, Willis, Wright and Zoghby.

—73

And the bill:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Clay, Colvin,

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Cosby, Crow, Curry, Davis, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

LEAVE OF ABSENCE

On motion of Rep. Marks, leave of absence was granted for Rep. Dillard.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

Rep. Payne offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 415.

SUBSTITUTE MOTION TABLED

On motion of Rep. Payne, the substitute motion offered by Rep. Davis to carry over the Budget Isolation Resolution relating to the bill, H. 415, to the fourteenth legislative day, was tabled.

Yeas 40; Nays 2.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Britnell, Carothers, Clay, Cosby, Curry, Escott, Ford, Gaston, Grouby, Hamilton, Hammett, Haynes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McKee, McMillan, Moon, Parker, Payne, Petelos, Poole, Rains, Slaughter, Thomas, Venable, Walker, White (G), Willis and Wright.

—40

Nays: Reps. Bryant and Newton (D).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was again on the motion offered by Rep. Payne to adopt the Budget Isolation Resolution relating to the bill, H. 415.

SUBSTITUTE MOTION TABLED

On motion offered by Rep. Payne, the substitute motion offered by Rep. Newton (D) to carry over the Budget Isolation Resolution relating to the bill, H. 415, to the fifteenth legislative day, was tabled.

Yeas 25; Nays 8.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Britnell, Brooks, Carothers, Curry, Hamilton, Haynes, Hill, Johnson (RG), Knight, Kvalheim, Marks, Mathis,

Payne, Petelos, Poole, Sanderford, Slaughter, Venable, White (G), Willis and Wright.

—25

Nays:

Reps. Bryant, Davis, Escott, Grayson, Kennedy, Newton (D), Rogers and Spratt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Payne to adopt the Budget Isolation Resolution relating to the bill, H. 415, and the motion was adopted.

Yeas 38; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Butler, Carothers, Carter, Cosby, Crow, Curry, Ford, Frazier, Gaston, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Johnson (RG), Knight, Laird, Marks, Mathis, McKee, Newton (C), Payne, Petelos, Poole, Sanderford, Slaughter, Venable, Walker, White (G), White (L), Willis and Wright.

—38

Nays:

Reps. Bryant, Davis, Escott, Kennedy, Newton (D), Rogers and Spratt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of

accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

TOMMY CARTER,
Chairman.

And the bill, H. 474 as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 128. URGING THE STATE PARKS DIVISION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO PROVIDE ENCLOSED FACILITIES FOR WORSHIP SERVICES IN ALL STATE PARKS.

Also:

H. J. R. 213. CONGRATULATING EMANUEL M. CARTER, SR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 214. CONGRATULATING SIR JAMES M. SEALS, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 215. COMMENDING ANNA B. CROW OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE CATHOLIC WEEK.

Also:

H. J. R. 242. COMMENDING OUR COLLEAGUE AND DEAN OF THE ALABAMA LEGISLATURE, MR. PETE TURNHAM OF AUBURN.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 63. COMMENDING JAMES R. DAVIS FOR DISTINGUISHED SERVICE TO THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 216. CONGRATULATING MARY AUGUSTA DAWSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 217. CONGRATULATING ANTOINETTE "TONI" BROCK, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 218. CONGRATULATING SALIME A. ZOGHBY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 219. CONGRATULATING VERNICE SPOTSWOOD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 220. CONGRATULATING BRADLEY G. SMITH, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 221. CONGRATULATING ELOISE FADELLA, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 222. CONGRATULATING HERBERT R. NOLETTA, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 223. CONGRATULATING FREDERICK T. STUARDI, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 224. CONGRATULATING DORIS BENDER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 225. CONGRATULATING BEVERLY FINKBOHNER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 227. COMMENDING THE 252ND TRANSPORTATION TRUCK COMPANY OF THE ALABAMA NATIONAL GUARD IN HAMILTON, ALABAMA.

Also:

H. J. R. 228. CONGRATULATING THE HUBBERTVILLE LADY LIONS ON THE STATE 1A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 232. COMMENDING STANLEY OLIVER OF ALABASTER, ALABAMA, FOR OUTSTANDING COURAGE IN THE LINE OF DUTY.

Also:

H. J. R. 236. CONGRATULATING AGNES BROWN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 237. COMMENDING PAULINE BARNES OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 128. URGING THE STATE PARKS DIVISION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO PROVIDE ENCLOSED FACILITIES FOR WORSHIP SERVICES IN ALL STATE PARKS.

Also:

H. J. R. 213. CONGRATULATING EMANUEL M. CARTER, SR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 214. CONGRATULATING SIR JAMES M. SEALS, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 215. COMMENDING ANNA B. CROW OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE CATHOLIC WEEK.

Also:

H. J. R. 242. COMMENDING OUR COLLEAGUE AND DEAN OF THE ALABAMA LEGISLATURE, MR. PETE TURNHAM OF AUBURN.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Rep. Freeman, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER RESUMED

And the bill:

H. 415. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Was taken up.

MOTION IN WRITING

Rep. Payne offered the following Motion in Writing:

"I move the previous question."

And the motion was adopted.

Yeas 22; Nays 9.

Yeas:

Reps. Beasley, Blake, Carothers, Cosby, Crow, Curry, Gaston, Hammett, Haynes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Mathis, Payne, Petelos, Poole, Rains, White (G), Willis and Wright.

—22

Nays:

Reps. Black, Bryant, Buskey (JL), Davis, Escott, Grayson, Newton (D), Rogers and Spratt.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 415, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 24; Nays 10.

Yeas:

Reps. Beasley, Blake, Box, Carothers, Cosby, Curry, Gaston, Grouby, Hamilton, Haynes, Holley, Johnson (RG), Knight, Kvalheim, Laird, McKee, Payne, Petelos, Poole, Rains, Starkey, White (G), Willis and Wright.

—24

Nays:

Reps. Davis, Escott, Grayson, Kennedy, McClain, McDowell, Newton D. Rogers, Spratt and Thomas.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 216. CONGRATULATING MARY AUGUSTA DAWSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 217. CONGRATULATING ANTOINETTE "TONI" BROCK, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 218. CONGRATULATING SALIME A. ZOGHBY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 219. CONGRATULATING VERNICE SPOTSWOOD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 220. CONGRATULATING BRADLEY G. SMITH, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 221. CONGRATULATING ELOISE FADELLA, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 222. CONGRATULATING HERBERT R. NOLETTO, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 223. CONGRATULATING FREDERICK T. STUARDI, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 224. CONGRATULATING DORIS BENDER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 225. CONGRATULATING BEVERLY FINKBOHNER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 227. COMMENDING THE 252ND TRANSPORTATION TRUCK COMPANY OF THE ALABAMA NATIONAL GUARD IN HAMILTON, ALABAMA.

Also:

H. J. R. 228. CONGRATULATING THE HUBBERTVILLE LADY LIONS ON THE STATE 1A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 232. COMMENDING STANLEY OLIVER OF ALABASTER, ALABAMA, FOR OUTSTANDING COURAGE IN THE LINE OF DUTY.

Also:

H. J. R. 236. CONGRATULATING AGNES BROWN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 237. COMMENDING PAULINE BARNES OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES

On motion of Rep. Holley, the rules were suspended, and the House proceeded with the regular order of business.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 274. To provide that entities which operate a hazardous waste minimization program shall be entitled to certain monetary rebates, to specify the amount of said rebate and to provide for the administration of said act.

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act.

H. 421. To create a Waste Minimization and Environmental Educational Consortium, to provide expertise to industries and the public in the field of solid and hazardous waste and to develop environmental educational programs for Alabama schools; to provide for membership in said consortium, to constitute said consortium as a body corporate; to provide for management of the consortium; to provide for an Oversight Committee and to provide for contributions and annual expenditures by the governing authorities of member institution.

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture

and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

H. 369. To amend Code of Alabama 1975, § 13A-12-213(a)(2), to include within the definition of unlawful possession of marihuana in the first degree anyone possessing marihuana after having been previously convicted of any crime involving controlled substances in this state, any other state, or in the federal courts.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to wit:

H. 261. (With Amendment): To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

H. 677. (With Amendment): Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

H. 631. (With Amendment): To amend Sections 15-23-3, 15-23-5, 15-23-12, 15-23-14, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, so as to increase the amount of burial expenses paid to the victim; to authorize work loss of claimant; to broaden the definition of the economic loss of a dependant; to extend the one year deadline for filing in certain cases; to authorize the Executive Director to pass on certain applications for compensation; to exempt the Commission from payment of cost of litigation under its right of subrogation, and to increase the maximum compensation award.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 337. To repeal in its entirety Section 14-4-7 of the Code of Alabama 1975, prohibiting female convicts from working as laborers on public highways.

H. 799. To amend Section 15-19-1, Code of Alabama 1975, relating to youthful offenders, so as to provide that no person shall be eligible for Youthful Offender status for offenses or violations of the provisions of Title 32, Code of Alabama 1975, relating to motor vehicles.

H. 409. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 170. (With Substitute): To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances and to define crimes involving child sexual abuse for purposes of this act.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 276. To amend Act No. 88-872, H. 132, 1988 1st Special Session, relating to the imposition, collection and disposition of fees for the disposal of hazardous waste or hazardous substances, so as to increase said fees and to provide that said fees shall be paid by the users of hazardous waste disposal facilities.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 801. Proposing an amendment to the Constitution of Alabama 1901, authorizing each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes not to exceed 10 mills on each dollar of the assessed value of taxable property in such county for general purposes and for such period of time as may be specified by the governing body of such county after approval by a majority vote of the qualified electors residing in the county who vote on the proposal in an election called by the governing board of such county; and authorizing each school tax district of each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes not to exceed 20 mills in each school tax district and for such period of time as may be specified by the respective city or county board of education (for public school purposes in an election which shall be called by the governing body of the county at the written request of the respective city or county board of education.) And to provide that the ad valorem taxes levied pursuant to the provisions of this amendment shall be subject to the limitation on and the provisions for the reduction of ad valorem taxes specified in paragraph (i) of Amendment 373 to the Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

H. 803. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to direct the State Board of Education to appoint a task force for the purpose of establishing specific guidelines and/or minimum performance levels, to establish a performance based accreditation system for all city and county boards of education and all public elementary and secondary schools in the state, which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, including the intervention in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance standards; to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level, to direct each city and county board of education in the state to cause to be conducted a comprehensive assessment of the entire educational program, the assessment team members to be appointed by each local board of education, and to stipulate that the results of the assessment shall be reported, to provide for such assessment every third year, to authorize the State Board of Education to withhold state allocations to any school system that fails to assess its needs; to provide for the development of research-based criteria for evaluation of all professional education personnel, to provide for the validation of the evaluation instrument, to require local boards of education to either use a local evaluation instrument or use the one developed by the State Board of Education; to provide for the appointment of a task force to develop a comprehensive plan for in-service and professional development for professional personnel; to provide for the appointment of a task force to develop and propose recommendations for a pilot incentive program for educational improvement; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to require city and county boards of education to adopt policies to ensure a safe school environment; to provide that each local school system establish an alternative school program; to provide that each local school system shall prepare an annual status report; to provide that failure by any local school system to comply with standards, policies, rules and regulations shall result in withholding of state funds; to provide that any local school system declared to be educationally deficient shall be provided consultation, training and technical assistance, and to provide procedures and process for intervention.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 802. (With Amendment): To amend Sections 16-13-62 and 16-13-65 of the Code of Alabama 1975, relating to required local funding of public school systems, so as to increase the amount of local taxes to be received by school systems from ten equivalent mills of ad valorem taxation to twenty actual mills of ad valorem taxation and to eliminate the exemption from penalty provisions.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 804. To amend Section 40-7-35, Code of Alabama 1975, relating to the required collection of county assessed valuation information, to provide further for the collection of county assessed valuation by public school system.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 805. (With Amendment): To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

H. 365. (With Amendment): To provide for the exemption of certain property from any and all state, county and municipal taxes, licenses, fees, including any privilege or excise tax levied by the state of Alabama or any county or municipality thereof.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 551. (With Substitute): To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, et seq., Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

H. 605. To amend Act No. 952, H.8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, competitive bid, and sunshine laws; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

H. 486. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

H. 310. To amend section 22-50-3, Code of Alabama 1975, to require that all funds of the department of mental health and mental retardation be deposited in the state treasury.

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment and it was read a second time and placed on the Calendar, to-wit:

H. 54. (With Substitute) (With Amendment): To further provide for state employee benefits; to provide that the State Personnel Board, with the approval of the Governor, may establish a flexible benefit plan for State

employees that will constitute a "Cafeteria Plan" pursuant to 26 U.S.C.A. section 125, Internal Revenue Code, as amended, relating to exclusions from gross income and the reporting thereof, that will provide employees a means of providing themselves medical and other benefits in a tax effective manner by allowing employees a choice between cash compensation and various nontaxable benefits with all money used for benefits under the plan continuing to be treated as before for all other state law purposes, except as herein provided.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 220. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 747. (With Substitute): To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

S. 282. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

H. 813. Providing immunity from individual civil liability for members of city and county housing authority boards.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 637. (With Amendment): To provide further for the protection of man and animals from rabies; to provide for immunization of domestic animals; to establish a fee schedule; to provide for penalties and impoundment

of animals and their disposition; to provide further for rabies officers; and to repeal sections 3-7-1 through 3-7-13, Code of Alabama 1975.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 187. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 604. (With Substitute): To amend Sections 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132 and 34-13-134, Code of Alabama 1975, relating to the board of funeral service, so as to: limit board members to two (2) consecutive terms of office; to require the board's rules and regulations be promulgated pursuant to the state administrative procedures statutes; to remove the board's continuing appropriation; to remove the requirement that chairman approves expenditures; to provide for disciplinary action for intoxication by alcoholic beverages and gross negligence in embalming human bodies; to allow reasonable examination fees by the board; to delete references to "branches" of funeral establishments; and to require operators to report on their license renewal dates.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 627. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name. Further requiring certain facilities and physicians to report the required data.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to wit:

H. 395. (With Amendment): To provide that the county commissions of the various counties in the state may cover or fill certain hazardous water wells on private property.

H. 610. (With Amendment): To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and

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ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 750. To amend Section 22-21-265 of the Code of Alabama 1975, relating to certificate of need requirements for new health services and facilities, so as to exempt home health care services from such requirements.

S. 30. To establish an Alabama Health Care Hall of Fame; to prescribe its purposes and membership; and to provide for election of members and officers and for holding of meetings.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

S. 215. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

S. 280. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

S. 402. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

H. 609. To amend Section 27-8-10, Code of Alabama 1975, relating to the examination of life and disability agents, so as to decrease the waiting period for a person who has failed to pass two examinations from six months to forty-five days.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 624. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

H. 635. To prohibit certain acts relating to mandatory uniform tests required by the department of education and provide for penalties for violations.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 653. (With Amendment): To require the appointment of county superintendents of education by local boards of education as provided by

Sections 16-8-7 and 16-9-1, Code of Alabama 1975, and to provide for the effective date of appointment for previously elected superintendent positions.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 654. Proposing an amendment to the Constitution of Alabama of 1901, to require the appointment of county superintendents by local boards of education.

The above bill was read a second time at length as required by the Constitution.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to wit:

H. 377. (With Substitute): To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, so as to combine the terms emotionally conflicted and socially maladjusted as a categorical condition which establishes eligibility for special education placement in public schools.

H. 354. (With Substitute): To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year.

Rep. Bryant, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

H. 613. Relating to county or municipal library boards; amending Section 11-90-2 of the Code of Alabama 1975, so as to provide further for membership on such boards.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 728. To amend Section 9-17-3, Code of Alabama 1975, which relates to the state oil and gas board, to provide that each member of the state oil and gas board shall be entitled to an expense allowance of \$500.00 per month.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

S. 131. Relating to the City of Pelham in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term and power of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

S. 350. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

H. 413. Relating to the imposition of a license fee or tax by the Bullock County Commission upon any natural person on account of personal services rendered at a rate not to exceed one percent (1%) on gross receipts and compensation derived from salaries, wages, commissions and/or bonuses by anyone in Bullock County who is engaged in any trade occupation or profession for the purpose of providing tax revenue for the Bullock County Hospital; to provide for the permissive power and authority of the County Commission to impose, levy, collect and remove such tax; to provide for the imposition of fines, interest and penalties for the enforcement of the collection of the tax; to provide for the duty of withholding, reporting and remitting said tax imposed, upon the persons taxed and the employer; to provide for an advisory referendum on the question of the continued imposition of the tax; to provide for the power and authority of the County Commission to promulgate regulations for administration and enforcement of the tax.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 535. (With Substitute): Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses;

to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 729. (With Amendment): Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey

its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

H. 762. Relating to Barbour County; authorizing the Barbour County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

H. 765. Relating to Tallapoosa County; to authorize the county commission to impose an excise tax not to exceed five cents (\$0.05) per gallon on persons engaged in the business of selling, distributing, storing or withdrawing from storage, gasoline or motor fuel; to provide for the collection, payment and distribution of such tax; to authorize the county commission to make rules and regulations for the collection of such tax; to provide for the enforcement of this act; and to fix the penalty for the violation of any provisions of this act.

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

H. 786. Relating to Covington County, to provide for a District Attorney's Fund for the Twenty-Second Judicial Circuit.

H. 792. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail, and to provide for the terminating of such fees.

The above bill was read a second time at length as required by the Constitution.

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

H. 817. To provide further for the filling of vacancies in county offices of Madison County.

H. 769. Relating to Madison County; amending Section 1 of Act No. 79-279, S. 39 of the 1979 Regular Session (Acts 1979, p. 428), authorizing the county commission to provide grave opening services under certain conditions, so as to provide further for the conditions under which such grave opening services may be performed.

H. 770. Relating to Madison County; regulating the use of county-owned vehicles by the county commissioners; requiring certain federal record-keeping and standards; and providing for the mileage requirement.

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

H. 276 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 276, from the Standing Committee on Judiciary to the Standing Committee on Ways and Means.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Brooks and Sanderford:

H. 821. To amend Section 12-19-92, Code of Alabama 1975, which provides for constables' fees, so as to exempt Madison County from said provisions.

Committee on Local Legislation No. 4.

By Reps. White (G) and Wright (With Notice and Proof):

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 822, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (G) (With Notice and Proof):

H. 823. Relating to Jefferson County; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the county general fund and from the general fund of the State of Alabama; and to provide for an effective date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 823, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (G) (With Notice and Proof):

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 824, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 825. Relating to the intentional and illegal possession or control of the real or personal property or assets by a person who is not the legal owner thereof, so as to provide, in addition to the payment for such property or asset, for the payment of interest to the legal owner pending a trial thereon, and during any appeal process involving such property or asset, and to provide that the prevailing party's legal fees shall be paid by the other party upon final adjudication of a civil action based on such illegal possession or control.

Committee on Judiciary.

By Reps. Flowers, Holley, and Williams:

H. 826. To provide for a reopening of the Teachers' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a school operated by the Department of Defense of the United States of America. To further provide for the calculation of the cost for purchasing credit for such service and to provide for the termination of this act.

Committee on Ways and Means.

By Reps. Johnson (RG), Haynes, Carothers, and Beasley:

H. 827. To provide for the issuance of distinctive license plates and placards for use in special parking places reserved for disabled and handicapped persons, to provide minimum standards and the available number of said parking places, to provide for penalties for the unauthorized use of disabled parking places, to establish the Disabled Persons Transportation Fund, and to repeal sections 32-6-230 through 32-6-234 and 40-12-300 through 40-12-302, Code of Alabama 1975.

Committee on Health.

By Reps. Wright, White (G), and Petelos:

H. 828. To amend Section 32-6-19, Code of Alabama 1975, relating to the revocation or suspension of driver's licenses, so as to provide for an increase in court costs and provide that there shall be no lesser included offense.

Committee on State Administration.

By Rep. White (L):

H. 829. Establishing the criminal offense of pharmacy robbery as a separate class of robbery under the criminal code of this state and prescribing certain penalties therefor.

Committee on Insurance.

By Rep. White (L):

H. 830. To propose an amendment to the Constitution of Alabama of 1901 to authorize the county commission of Tallapoosa County to levy an annual license tax and registration fee upon motor vehicles in the county.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. White (L):

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Starkey:

H. 832. To provide for the dedicated use of moneys received from fees and taxes levied by the various counties and municipalities of this state on the sale of gasoline or diesel fuel used to propel motor vehicles upon the public highways for road and bridge purposes.

Committee on Ways and Means.

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 833, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton (D), Gray, and Spratt (With Notice and Proof):

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Williams and Flowers (With Notice and Proof):

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 835, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harvey, White (F), Starkey, Clark (J), Hooper, Adams, Butler, Blake, Carter, Knight, Hill, Richardson, Beasley, Petelos, Carothers, Hamilton, White (G), McKee, Gray, Marks, Moon, Fuller, Newman, and Campbell:

H. 836. To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by the Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding \$200,000,000 aggregate principal amount of Highway Revenue Bonds in addition to those heretofore authorized to be issued by the Authority; to authorize the Authority to issue and sell refunding bonds to refund bonds at any time issued by the Authority and at the time outstanding; to provide for the details and the method of execution of the said bonds; to provide that the Authority shall determine the manner, terms and conditions of the sale or sales of the bonds, and to make provisions respecting such sale or sales and the permitted uses, applications and investments of the proceeds from the sale or sales thereof; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely out of the revenues of the Authority pledged therefor in this Act; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this Act for such purpose; to preserve prior pledges and covenants by the State; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the State Treasurer to disburse moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Committee on Ways and Means.

By Reps. Thomas and Buskey (JE):

H. 837. To provide that the same limitations and restrictions upon the prosecution's use of peremptory challenges against cognizable groups shall

also apply to the defense in a criminal case; to provide that the same procedures for determining and remedies for correcting such violations shall be applicable to the defense as are applicable to the prosecution; and to provide that this act shall apply to all criminal trials begun after its effective date.

Committee on Judiciary.

By Rep. Fuller:

H. 838. This bill expands the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

Committee on Health.

By Rep. Fuller:

H. 839. To provide the method for computing payments due to providers of health care services by insurance companies and health care service plans operating within the State of Alabama.

Committee on Insurance.

By Reps. Zoghby, Gaston, Box, Turner, Kvalheim, Penry, Kennedy, Marietta, and Fuller:

H. 840. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

Committee on State Administration.

By Rep. Marks:

H. 841. To amend Section 40-12-258 of the Code of Alabama 1975, relating to motor vehicle registration so as to provide that the annual license taxes and registration fees provided for shall be paid on a prorated monthly declining basis as provided under Section 32-6-61, as amended, when a motor vehicle is stored in this state and not used or operated on the highways of this state subsequent to the expiration of the previous Alabama motor vehicle registration.

Committee on State Administration.

By Rep. Cosby:

H. 842. To amend Section 6-5-332, Code of Alabama 1975, relating to civil immunity for certain persons rendering first aid or emergency care at the scene of an accident, so as to include certain persons trained in first aid or cardiopulmonary resuscitation (CPR).

Committee on Judiciary.

By Reps. McMillan and Bowling:

H. 843. To create and to provide for the establishment of a state postsecondary board of education charged with the management and control

of public educational institutions which provide formal education above the secondary school level.

Committee on Education.

By Reps. Newton (D) and White (G) (With Notice and Proof):

H. 844. To further provide for the regulation, in Class 1 municipalities, of horse racing, dog racing and pari-mutuel wagering thereon; to amend Sections 11-65-1, 11-65-2, 11-65-3, 11-65-7, 11-65-10, 11-65-14, 11-65-16, 11-65-20, 11-65-23, 11-65-25, 11-65-28, 11-65-29, 11-65-30, 11-65-31, 11-65-35, 11-65-36, 11-65-37, 11-65-38, 11-65-39, 11-65-40, 11-65-43, 11-65-44, and 11-65-47 of, and add Sections 11-65-48, 11-65-49, and 11-65-50 to chapter 65, Code of Alabama 1975, to require that dog racing and pari-mutuel wagering thereon shall not be permitted in any Class 1 municipality unless approved at a referendum of the voters in the municipality and the host county of such municipality; to permit, but not require, that both horse and dog racing meets may be held at the same racetrack; to provide that the commission in any such Class 1 municipality shall not issue any other operator's license with respect to any racing events authorized in such Class 1 municipality without the consent of the operator or operators holding all operator's licenses already in effect; to provide that in any Class 1 municipality in which a racetrack was constructed pursuant to a license granted by the commission in such municipality prior to the effective date of this act, no license may be granted by the commission to conduct dog racing at any location other than such existing racetrack without the prior written consent of such municipality and the owner or owners (and any mortgagee) of such existing racetrack; and to provide that in any Class 1 municipality in which a racetrack was constructed pursuant to a license granted by the commission in such municipality prior to the effective date of this act, no person may be licensed to construct or operate a racetrack for dog racing unless such person is also licensed to conduct horse racing at the same racetrack or a related facility and the terms of the license of such person require that horse racing be conducted at such racetrack or a related facility not less than 90 days during each calendar year; and to provide that the provisions of this act shall apply prospectively.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 845. Relating to Baldwin County; to amend Act No. 609 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to provide for the support of the public schools of Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 845, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 846. To amend Section 22-21-5, Code of Alabama 1975, to grant to public bodies organized under the said section the powers of health care authorities organized under Article 11 of Chapter 22 of the Code of Alabama 1975.

Committee on Health.

By Rep. Escott (With Notice and Proof):

H. 847. To provide for the election procedures of the members of the City of Birmingham City Council, Jefferson County, Alabama, for single member districts; to further provide for the residency qualifications and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the Judge of Probate; and to repeal conflicting laws.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 847, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 848. To amend Section 11-47-14.1 of the Code of Alabama 1975, relating to the construction of port facilities by Class 1 municipalities so as to further regulate the power of the Authority to issue bonds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 848, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott:

H. 849. To further provide for sick leave credit for certain State employees employed by the State department of education, and to repeal any conflicting laws or rules or regulations.

Committee on Ways and Means.

By Rep. Escott (With Notice and Proof):

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RG):

H. 851. Relating to persons doing business as a pawnbroker or flea market operator in this state, so as to require that certain records of their business operations be kept and be available for inspection by any law enforcement officer having competent jurisdiction; to require buyers to keep records; and to provide for penalties for violations.

Committee on Health.

By Rep. Bryant (With Notice and Proof):

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow and Blake:

H. 853. To amend section 36-26-28, Code of Alabama 1975, relating to suspensions of state employees, so as to allow the suspended employee the right to appeal suspensions to the state personnel board.

Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 245. CONGRATULATING THE RAGLAND HIGH SCHOOL GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS, in commendation and esteem, the Legislature of Alabama congratulates the Ragland High School Lady Purple Devils on their outstanding 1989 basketball season; and

WHEREAS, under the direction and leadership of Coaches Susan Graham and Jimmy Campbell, the Ragland High School ladies finished the season as 1989 County Champions, 1989 Area 12 Champions, and with a 12-11 overall record; and

WHEREAS, we further note that the Lady Purple Devils joined with their male counterparts to mark the first time in the history of Ragland High School that both the girls' team and the boys' team have made the sub-state finals and won both the County and Area Championships in the same year; and

WHEREAS, the Lady Purple Devils, each of whom greatly contributed to the outstanding 1989 season, are Tara McGlaughlin, Keya Daniels, Sharleene Boswell, Gloria Brewster, Carla Turner, Cassandra Collins, (MVP), Renea McGuffie, Sharon Miles and Alicia Killings, with Ray Templin serving as team manager; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Lady Purple Devils of Ragland High School, and do further direct that copies of this resolution be forwarded to their coaches for appropriate presentation and school display.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 245, was adopted.

Also:

By Reps. Hooper, Clark (J), McKee, and Walker:

H. J. R. 246. MOURNING THE DEATH OF MATTHEW K. DEICHELMAHNN OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Matthew K. Deichelmahnn of Montgomery, Alabama, on March 15, 1989, at the age of 83 years; and

WHEREAS, a distinguished American patriot, General Deichelmahnn was a graduate of the United States Military Academy in West Point and, at the time of his lamentable death, had been a resident of Montgomery for the past 30 years; and

WHEREAS, General Deichelmahnn, who attended Air Corps Tactical School in 1939 at what is now Maxwell Air Force Base in Montgomery, was again stationed at Maxwell in 1946; then a Colonel, he served as assistant commandant of the Air Command and Staff College through 1949, and it was during this tour that he was instrumental in actuating the Air War College; and

WHEREAS, also the former commandant of the Air Force ROTC program at Maxwell, General Deichelmahnn served in Korea as senior member of the United Nations Military Armistice Commission in Panmunjom, helping to negotiate cease-fire violations in post-war Korea; and

WHEREAS, retiring in 1959, and following an illustrious career of more than 30 years in the United States Air Force, General Deichelmahnn made his home in Montgomery where he became a prominent figure in business, civic and community affairs; and

WHEREAS, he was a member of the board of directors of Altus Bank, the Kiwanis Club of Montgomery, the Montgomery Country Club and the Church of The Ascension, and was a founder in 1962 of Security Federal Savings and Loan Association which merged in 1974 with First Federal Savings and Loan Association of Mobile; and

WHEREAS, General Deichelmahnn, survived by his wife, Mrs. Louise Deichelmahnn, was preceded in death by their beloved sons, Major Samuel Mackall Deichelmahnn and Captain Stephen Travis Deichelmahnn, both of whom were valiant USAF combat pilots who lost their lives while in service to their country; and

WHEREAS, in the death of Matthew K. Deichelmahnn, the Montgomery community, the State of Alabama and the nation have indeed suffered a deep and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death,

we give thanks for the life of Matthew K. Deichelmann, and extend our very deepest sympathy to Mrs. Deichelmann, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 246, was adopted.

MOTION TO SUSPEND RULES

On motion of Rep. Newton, the rules were suspended in order to introduce a local bill.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 247. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Cosby:

H. J. R. 248. COMMENDING ARNOLD POST FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE DALLAS COUNTY COMMUNITY.

WHEREAS, in highest honor and esteem, the Alabama Legislature notes the outstanding contributions of Arnold Post through participation in the Volunteer Literacy Program at George Corley Wallace State Community College (WCC) in Selma; and

WHEREAS, a resident of Selma for the past twelve years and a retired employee from U.S. Civil Service, Mr. Post has worked with the WCC program since August 1984 and, during this period, has been instrumental in recruitment and training of 151 volunteers who have collectively contributed more than 5,000 hours in teaching 234 non-reading adults in Dallas County; and

WHEREAS, Mr. Post, a certified Laubach Trainer, regularly instructs adult reading students on an individual basis, in addition to his recruitment and training efforts; he further has served as a link between the WCC Adult Literacy Program and the Selma Baptist Association, at both state and local levels, and it was through his initiative that the Selma Baptist Association became the sponsor of the college's annual Volunteer Recognition Luncheon; and

WHEREAS, Arnold Post, who was recognized in the 1985 Governor's Awards program for outstanding volunteer efforts in education, also was a nominee for the 1985 President's Volunteer Action Award and is the recipient, as well, of a number of other grateful acknowledgements of his outstanding accomplishments; and

WHEREAS, Mr. Post, however, will be moving from the Selma area and, though we regret the necessity of his retirement from the WCC Literacy

Program, we join with all of Dallas County in gratitude for his dedicated and significant contributions toward the reduction of adult illiteracy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service in the field of education and adult literacy, we hereby commend Arnold Post of Selma, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 248, was adopted.

Also:

By Rep. Moon:

H. J. R. 249. CONGRATULATING THE DAR HIGH SCHOOL LADY PATRIOTS ON THE STATE CLASS 3A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature most heartily congratulates the DAR High School Lady Patriots on the 1988 State Class 3A Basketball Championship by virtue of a one-point victory in overtime (62-61) in the title matchup with Pisgah High; and

WHEREAS, under the talented direction and leadership of Head Coach Edward Gettys and Assistant Coach Larry Hodges, the DAR ladies finished the regular season with a 29-4 record, winding up 31-4 overall after setting an all-time State Tournament scoring record with their 74-42 victory over Neal High School in the semifinals and their successful bid for the crown against Pisgah; and

WHEREAS, number-one in unofficial polls throughout the season and playing in State Class 3A for the first time, were Lady Patriot Champions Beth Anderson, All-tournament and MVP, and Tina Stapler, All-tournament, along with teammates Heather Hodges, Tama Skinner, Sharon Edmonds, Carrie Talley, Tammy Bearden, Stefanie Kirkland, Carin Myers, Tara Morrison, Roseanne Foster, Sinde Butler and Lori Ledbetter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Marshall County DAR High School Lady Patriots as our 1988 State Class 3A Basketball Champions, and direct that copies of this resolution be forwarded to Coach Gettys for appropriate presentation and school display.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 249, was adopted.

Also:

By Reps. Zoghby, Kennedy, Box, Buskey (JE), and Marietta:

H. J. R. 250. CONGRATULATING BETTY LOU TIPLER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Betty Lou Tipler, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Betty Lou Tipler, a member of the Cathedral Parish where she has actively and enthusiastically served, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Betty Lou Tipler has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Betty Lou Tipler, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That we do direct the Clerk of the House to cause a copy of this resolution be sent to Mrs. Betty Lou Tipler, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 250, was adopted.

Also:

By Reps. Zoghby, Box, and Marietta:

H. J. R. 251. CONGRATULATING JOSEPH V. TORRANS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Joseph V. Torrans, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Joseph V. Torrans is an active member of the Little Flower Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and in the Knights of Columbus, his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Joseph V. Torrans of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Joseph V. Torrans, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 251, was adopted.

Also:

By Reps. Zoghby, Box, and Marietta:

H. J. R. 252. CONGRATULATING JULIA DREY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Julia Drey, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Julia Drey, a member of St. Mary Church, has been active in her parish and particularly in the organization of Perpetual Adoration at St. Mary's Chapel, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Julia Drey has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Julia Drey, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Julia Drey, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 252, was adopted.

Also:

By Reps. Zoghby, Box, Kvalheim, and Marietta:

H. J. R. 253. CONGRATULATING ELIZABETH ANDERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Elizabeth Anderson, a resident of Mobile, Alabama, was a recent recipient of the prestigious medal, "Pro Ecclesia et Pontifice," from His Holiness John Paul II, and which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Elizabeth Anderson, a member of Saint Pius X Parish, has been active in her church, and her life has been faith-filled in service to others for the betterment of her church and civic community; and

WHEREAS, Elizabeth Anderson has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Elizabeth Anderson, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent by the Clerk of the House to Mrs. Elizabeth Anderson, so that she may know of our esteem and appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 253, was adopted.

Also:

By Reps. Zoghby, Kennedy, Box, Buskey (JE), Kvalheim, and Marietta:

H. J. R. 254. CONGRATULATING JOSEPH H. WILSON, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Joseph H. Wilson, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Joseph H. Wilson, is an active member of Saint Dominic Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Joseph H. Wilson of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Joseph H. Wilson, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 254, was adopted.

Also:

By Reps. Zoghby, Marietta, Gaston, Buskey (JE), Kennedy, Kvalheim, Turner, and Box:

H. J. R. 255. CONGRATULATING ARTHUR R. OUTLAW, MAYOR, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, The Honorable Arthur R. Outlaw, Mayor and prominent resident of Mobile, Alabama, recently was recognized, for meritorious work, his family life and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Arthur R. Outlaw is a dedicated Mayor and an active member of Saint Catherine of Siena Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and in civic and charitable organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate

Sir Arthur R. Outlaw, of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication in both the church and in his community.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Arthur R. Outlaw, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 255, was adopted.

Also:

By Reps. Zoghby, Box, and Kvalheim:

H. J. R. 256. CONGRATULATING EDWARD A. BETANCOURT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Edward A. Betancourt, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Edward A. Betancourt, is an active member of Saint Pius X Parish, Mobile, Alabama, and he has served for many years as sexton of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Edward A. Betancourt of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Edward A. Betancourt, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 256, was adopted.

Also:

By Reps. Zoghby and Box:

H. J. R. 257. CONGRATULATING JOANN HENRIKSEN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Joann Henriksen, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Joann Henriksen, a member of the Little Flower Church, has been active in her parish and has served on many boards relating to Catholic women on an archdiocesan and district level, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Joann Henriksen has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Joann Henriksen, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Joann Henriksen, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 257, was adopted.

Also:

By Reps. Zoghby, Gaston, Kennedy, Box, and Kvalheim:

H. J. R. 258. CONGRATULATING MITCHELL M. KALIFEH, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Mitchell M. Kalifeh, Jr., a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Mitchell M. Kalifeh, Jr., is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Mitchell M. Kalifeh, Jr., of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Mitchell M. Kalifeh, Jr., Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 258, was adopted.

Also:

By Reps. Zoghby, Box, and Kvalheim:

H. J. R. 259. CONGRATULATING WILLIAM H. McDERMOTT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, William H. McDermott, a resident of Mobile, Alabama, and a member of the Alabama House of Representatives from 1962 to 1966,

recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, William H. McDermott is a respected member of the judiciary and is an active member of Saint Pius X Parish, Mobile, Alabama, and he has served in many positions in organizations and boards both of his Church, and in his profession, his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir William H. McDermott of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir William H. McDermott, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 259, was adopted.

Also:

By Reps. Zoghby and Box:

H. J. R. 260. CONGRATULATING DOLORES "DEE" McDONALD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Dolores "Dee" McDonald, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Dolores "Dee" McDonald, a member of St. Dominic Church, has been active in her parish and has served on many boards and in many organizations relating to Catholic women and to Catholic Social Services, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Dolores "Dee" McDonald has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Dolores McDonald, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Dolores "Dee" McDonald, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 260, was adopted.

Also:

By Rep. Bugg:

H. J. R. 261. COMMENDING EUGENE NED PRATER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, a recent celebration was sponsored by WMGJ in Gadsden, Alabama, to acknowledge and praise the work of Eugene Ned Prater, founder of Gadsden State Technical Institute, now one of the three campuses of Gadsden State Community College; and

WHEREAS, a native of Birmingham and reared in Gadsden, Mr. Prater is a graduate of Gadsden's Carver High School and received an associate degree from Clark College in Atlanta; he later earned a master's degree from Alabama A & M University and studied additionally at Auburn, Tuskegee, Colorado State and Temple Universities, among other schools; and

WHEREAS, Mr. Prater, a former coach and teacher at Central High School in Mobile, returned to Gadsden where he recognized the need for the availability of training under the G. I. Bill for Negro veterans of World War II, unsuccessful in his attempts to secure cooperation from the Gadsden City Board of Education, Mr. Prater resumed his efforts in Attalla and was thereafter instrumental in the establishment of a veterans general education program, grades one through twelve, in 1950; and

WHEREAS, after reaching an enrollment of some 500 students in 1960, the school was moved to separate facilities in Gadsden and expanded to include courses in masonry, carpentry, mechanics and other trades; and

WHEREAS, by 1965, the school had relocated to buildings and facilities on the present site of the Valley Street campus of Gadsden State Community College and was completed under the supervision of the Alabama Department of Education; courses were again improved and further extended to include a practical nursing program, among other course work; and

WHEREAS, Mr. Prater, who was associated with Gadsden State Technical Institute until 1978, is indeed to be praised for his foresight, vision and contributions in the field of education, and we join the Gadsden area in acknowledging his long years of selfless dedication and service to the youth of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Mr. Eugene Ned Prater for extraordinary accomplishment, and do further direct that he receive a copy of this resolution of highest honor and esteem.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 261, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 262. COMMENDING LAURENS W. JONES FOR OUTSTANDING AND HONORABLE SERVICE TO THE BALDWIN COUNTY BOARD OF EDUCATION AND THE COMMUNITY.

WHEREAS, Laurens W. "Lonnie" Jones served as a member of the Baldwin County Board of Education for a total of eight years, including two years as chairman of the board; and

WHEREAS, Mr. Jones, who discharged the responsibilities of his position with diligent dedication, was a valued public servant whose integrity is beyond reproach, and one who has earned the regard of his peers, the education community and all citizens of Baldwin County; and

WHEREAS, a graduate of the University of Alabama School of Commerce and Business Administration, a practicing Certified Public Accountant and a retired banker, Lonnie Jones has resided in Baldwin County since 1952 and, in addition to public office, has also assumed a leadership role in community affairs; and

WHEREAS, Mr. Jones, a former member of the Board of Trustees of Baldwin County High School from 1963-1983, has served as treasurer of the Bay Minette Youth Foundation; as a member of the North Baldwin Hospital Board for 14 years; and is a member of the First United Methodist Church in Bay Minette where he is chairman of the finance committee and serves as a member of the administrative board, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding public service and community leadership, we hereby most highly commend Laurens W. Jones, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 262, was adopted.

Also:

By Reps. Hamilton, Starkey, Britnell, and Goodwin:

H. J. R. 263. COMMENDING SABRINA STAGGS OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize Alabamians of outstanding achievement, the Legislature of Alabama notes the numerous and notable accomplishments of Sabrina Staggs of Florence, Alabama, a senior at Mars Hill Bible School; and

WHEREAS, she is now serving as president of the State Junior Cattlemen Association; and

WHEREAS, Ms. Staggs' extracurricular activities include membership in the 4-H Club, three term president of the school 4-H Club, a past member of the 4-H County Council Executive Committee, served as secretary-treasurer of Lauderdale County Extension Council; and

WHEREAS, she served as a charter member and organized the Lauderdale County Junior Cattlemen Association, president of Lauderdale County Junior Cattlemen Association, member of County Livestock Judging team and training committee; and

WHEREAS, Sabrina Staggs was first runner up in the Junior Cattlemen Queen contest, Shorthorn Lassie Princess; and

WHEREAS, she travels several hundred miles each year showing and promoting Shorthorn cattle and other breeds and is a delegate for Alabama and Tennessee Junior Shorthorn Association at Junior Nationals in Omaha, Nebraska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

Ms. Sabrina Staggs as president of the State Junior Cattlemen Association and hereby acknowledge her accomplishment as a distinguished student.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Sabrina Staggs; her parents Mr. and Mrs. Jerome Staggs, which we tender in deep admiration and warmest personal regard.

On motion of Rep. Hamilton, the rules were suspended and the resolution H. J. R. 263, was adopted.

NOTICE IN WRITING

Rep. Holmes filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, I shall move the Standing Committee on Ways and Means be directed to act on H. B. 242 and report the same at the next sitting of the House.

Filed this the 13th Legislative day immediately after the call of the districts pursuant to House Rule 52 (old Rule 53).

NOTICE IN WRITING

Rep. Holmes filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, I shall move that the Standing Committee on Ways and Means be directed to act on H. B. 243 and report the same at the next sitting of the House.

Filed this the 13th Legislative Day immediately after the call of the districts pursuant to House Rule 52 (old Rule 53).

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. J. R. 264. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 23, 1989, they adjourn to meet again on Tuesday, March 28, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 264, was adopted.

Also:

By Rep. Campbell:

H. R. 265. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 23, 1989, we adjourn to meet again on Tuesday, March 28, 1989, at 1:00 P.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 265, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Rice, Hale, Smith (B), Holmes, Smith (J), Foshee, Bailey, Barron, Preuitt, Manley, Bedsole, Hand, deGraffenried, Goodwin, and Langford:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study health insurance coverage for state employees and teachers and their dependents. The committee shall be composed of three (3) members of each house, to be appointed by the presiding officer of each house, one representative from the insurance department to be appointed by the governor, one representative from the insurance industry to be appointed by the governor, one member of the state employees' insurance board to be appointed by the board, and one member of the public education employees' health insurance board to be appointed by the board. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of health insurance coverage for state employees and teachers and their dependents.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,500.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 62, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 98. INVITING GOVERNOR RAY MABUS OF MISSISSIPPI TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request the Honorable Ray Mabus, Governor of the State of Mississippi, to address the Alabama Legislature on April 20, 1989, at 1:30 p.m., and that we convene in joint session at that hour to hear Governor Mabus' remarks.

BE IT FURTHER RESOLVED, That Governor Mabus be advised, by copy of this resolution, of our invitation to address the Legislature and our hopeful anticipation of his acceptance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holmes, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 98, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 70. NAMING A PORTION OF ALABAMA HIGHWAY 24 IN FRANKLIN COUNTY, ALABAMA, IN HONOR OF TAMMY WYNETTE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 70, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Campbell, Bennett, Bailey, Goodwin, and Barron:

S. J. R. 49. COMMENDING PAUL R. HUBBERT, EXECUTIVE SECRETARY OF THE ALABAMA EDUCATION ASSOCIATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 49, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 97. CONGRATULATING COLBERT COUNTY AS THE FIRST COUNTY IN ALABAMA TO ACHIEVE PALS PROUD COUNTY STATUS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S. J. R. 97, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Figures:

S. J. R. 83. COMMENDING COACH BETTIE PARKER AND THE VIGOR HIGH SCHOOL'S LADY WOLVES FOR WINNING THE STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

By Senator Figures:

S. J. R. 84. COMMENDING COACH CURTIS HORTON AND THE WILLIAMSON HIGH SCHOOL'S LADY LIONS FOR WINNING THE STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

By Senators Parsons, Horn, Cabaniss, Bennett, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Langford, Manley, Mitchem, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 86. COMMENDING AND ENCOURAGING PRESIDENTIAL AIRWAYS, AN AFFILIATE OF UNITED AIRLINES, TO LOCATE A REGIONAL HUB IN BIRMINGHAM.

Also:

By Senator Foshee:

S. J. R. 93. NAMING THE ADULT CENTER AT LURLEEN B. WALLACE STATE JUNIOR COLLEGE IN HONOR OF JOHN M. WEED.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 83 and S. J. R. 84, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Campbell, the resolution, S. J. R. 86, the title of which is set out in the above and foregoing Message from the Senate, was temporarily carried over.

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 93, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Campbell, Corbett, Amari, Smith (J), Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, and Smith (B):

S. J. R. 65. DESIGNATING THE MONTH OF OCTOBER, IN 1989 AND ANNUALLY THEREAFTER, AS "QUALITY MONTH" IN THE STATE OF ALABAMA.

WHEREAS, the strength of the nation and its position as a leader in the marketplace rely on the ability of industry to produce high quality goods and services; and

WHEREAS, the commitment to quality involves recognition and implementation of quality as a strategic business imperative, and the use of quality technology and dedication of talents throughout an organization toward quality improvement; and

WHEREAS, the American Society for Quality Control is engaged in a national campaign to make all Americans aware that "Quality First" is the key to productivity and profitability in our economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of October, in 1989 and annually thereafter, as "Quality Month" in the State of Alabama and do further urge that all citizens and organizations throughout

the state sponsor and engage in appropriate activities in support of this national awareness campaign.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Parker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 65, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 95. EXPRESSING LEGISLATIVE INTENT REGARDING THE NAMING OF PUBLIC STREETS AND HIGHWAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with respect to those public streets and highways in Alabama which have heretofore been, or which may hereafter be, given an official name by Act of the Legislature in honor of some distinguished person, institution, or the like, it is hereby declared to be the intent of the Legislature of Alabama to confer such name or title for honorary purposes only, and not to supersede or suppress any traditional or customary local street names, nor to mandate the use of such honorific name or title for local address purposes. It is further declared to be the intent of the Legislature of Alabama that the naming of streets and highways for address purposes shall remain vested in the appropriate local officials.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 95, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate had originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Langford and Bedsole:

S. J. R. 96. TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

WHEREAS, under the provisions of the Act No. 86-526, an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the

Lieutenant Governor, and the Committee has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns; and

WHEREAS, the current Legislature has adopted several bills studied by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, the operation of the Interim Committee on Municipal Government of the Legislature of Alabama is hereby continued. The committee shall be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the impact of reduced federal funds and the problems to municipalities created thereby; the study to suggest methods whereby municipalities may continue furnishing services notwithstanding the reduction of federal assistance; the study also to include a review of the block grant delivery system of federal assistance.

2. A study and assessment of the problems faced by municipalities because of the mounting problems connected with sanitary sewage (waste water) disposal and a suggested avenue of meeting the tremendous expenses connected with such disposal; and a suggested funding mechanism to cover the cost of disposal.

3. A study of hazardous waste disposal and suggested solutions of the problems created by hazardous wastes.

4. A study of the infrastructure needs of Alabama towns and cities with particular emphasis on the study of road and street systems and their maintenance and repair.

5. A review with recommendations as to how municipalities can best improve the delivery of services of all types to their citizens.

BE IT FURTHER RESOLVED, That the Committee shall be appointed during the 1989 Regular Session and shall not consume more than forty-five (45) working days in performing its functions and that its report be

finished in time for presentation of a preliminary report during the first week of the 1990 Regular Session of the Alabama Legislature and a final report to be submitted during the 1990 Regular Session of the Alabama Legislature and that as far as practical that all meetings of the Committee shall be held in the State House Building or in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of \$7,000.00. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starkey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 96, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities

and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 197, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 7th day of March, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 197, without my signature, but with the following suggested Executive Amendment:

Please amend by inserting after the semicolon following the word "service" on page 14, line 32, the following:

"and provided further that nothing in this subsection or anywhere else in this act shall be deemed to authorize the authority to acquire, without the consent of the owner or owners thereof, any portion of any hydroelectric project licensed by the Federal Energy Regulatory Commission or any predecessor or successor agency or to withdraw any water from such project."

Done on this the 7th day of March, 1989.

Respectfully,
GUY HUNT,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 197, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 197, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Newman, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 197, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Brooks, Butler, Carothers, Gaston, Hamilton, Haynes, Headley, Hogan, Johnson (RG), Kvalheim, Laird, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Warren, White (F), White (G) and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 197, as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Brooks, Butler, Carothers, Gaston, Grouby, Hamilton, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Warren, White (F), White (G) and White (L).

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to take up out of order the Budget Isolation Resolution relating to the bill, H. 259.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 259, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Clay, Cosby, Crow, Davis, Flowers, Gaston, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Marks, Mathis, McKee, McMillan, Newman, Newton (C), Payne, Penry, Poole, Richardson, Rogers, Sanderford, Thomas, Warren, White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 259 CARRIED OVER

On motion of Rep. Starkey, the bill, H. 259, was carried over to the fourteenth legislative day.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 266. CONGRATULATING THE RAGLAND HIGH SCHOOL PURPLE DEVILS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Ragland High School Purple Devils on the accomplishments of their 1989 basketball season; and

WHEREAS, the Ragland Purple Devils, who won both the St. Clair County and the Area 12 Championships, also posted an undefeated county record; and

WHEREAS, Head Coach Joe K. Carpenter, Jr., also led his Devils to a fantastic 23-6 overall record, to 2nd place in the Sand Rock New Year's Tournament and 3rd place in the Fayetteville Thanksgiving Tournament; the team, which was ranked as high as 6th in the State during the season, also averaged 74 points per game; and

WHEREAS, we further note that the Ragland Purple Devils joined the Lady Purple Devils to mark the first time in the history of Ragland High School that both the boys' team and the girls' team have made the sub-state finals and won both the County and Area Championships in the same year; and

WHEREAS, Coach Carpenter's Champion Purple Devils are Henry Davis (County and Area MVP with 19 points and nine rebounds per game) along with teammates Randy Phillips, Andy Cox, Scott Reaves, Allen Bice, Jason Parsons, Donnie Grizzell, Gerald Byers, Darron Forman and Ervin Moss, and with team manager Whit Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding accomplishments of their 1989 Basketball Season, we hereby most highly commend and congratulate the Ragland High School Purple Devils, and direct that copies of this resolution be forwarded to Coach Carpenter for appropriate presentation and school display.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 266, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 267. COMMENDING EUNICE BOLLING BLACKMON FOR DISTINGUISHED SERVICE AS CIRCUIT CLERK, BALDWIN, COUNTY, ALABAMA.

WHEREAS, in honor and esteem, the Legislature of Alabama notes the distinguished service rendered by Eunice Bolling Blackmon as Circuit Clerk, Baldwin County, Alabama, for the past eighteen years; and

WHEREAS, Mrs. Blackmon began working with the Circuit Court following graduation from Baldwin County High School and served as deputy clerk prior to 1970, at which time she assumed the top administrative position

ultimately supervising an office staff consisting of fourteen clerks and nine magistrates; and

WHEREAS, as Circuit Clerk, Mrs. Blackmon was responsible for seven divisions of Court—District Small Claims Court, District Civil and Criminal Courts, Juvenile Court, Circuit Criminal and Civil Courts and Municipal District Court; and

WHEREAS, Eunice Blackmon is indeed deserving of the praise and gratitude of the citizens of Baldwin County and the State of Alabama for the dedication and accomplishments of this distinguished tenure; and

WHEREAS, she further is to be commended for her numerous contributions in other community affairs and, most particularly, for her activities and leadership involvement with the Perdido Church of God which she has served in deep commitment for almost 30 years as a Sunday School teacher and with Children's Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Circuit Court in her native Baldwin County, and to the community, we hereby commend Eunice Bolling Blackmon, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 267, was adopted.

H. 521 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 521, from the Standing Committee on Ways and Means to the Standing Committee on Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senators Hale and Dixon:

S. 54. To create and provide for the Alabama Advisory Commission on Intergovernmental Relations, a permanent intergovernmental body to be concerned with how to strengthen and facilitate relationships between the state government and local governments.

Also:

By Senator Rice:

S. 191. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed three years.

Also:

By Senator Foshee:

S. 214. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a

"banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

Also:

By Senators Dixon and Manley:

S. 271. To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 54. Local Government.
- S. 191. Health.
- S. 214. Banking.
- S. 271. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedsole (With Notice and Proof):

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 494, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 494. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Covington and Foshee:

S. 76. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 76. Business and Labor.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:17 P.M. on March 23, 1989.

H. J. R. 128

H. J. R. 221

H. J. R. 213

H. J. R. 222

H. J. R. 214

H. J. R. 223

H. J. R. 215

H. J. R. 224

H. J. R. 242

H. J. R. 225

H. J. R. 216

H. J. R. 227

H. J. R. 217

H. J. R. 228

H. J. R. 218

H. J. R. 232

H. J. R. 219

H. J. R. 236

H. J. R. 220

H. J. R. 237

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 265, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 28, 1989.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 28, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Jerry Carnes, Church of God, Gadsden, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Billy Solomon from Houston Academy.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clay, Colvin, Crow, Curry, Flowers, Ford, Freeman, Fuller,

Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Headley, Higginbotham, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Penry, Poole, Rains, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, Warren, White (L), Willis and Zoghby.

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S. 76 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 76, from the Standing Committee on Business and Labor to the Standing Committee on Commerce and Industrial Development.

LEAVE OF ABSENCE

On motion of Rep. Marks, leave of absence was granted for Rep. Dillard.

On motion of Rep. Gray, leave of absence was granted for Rep. Seibels.

On motion of Rep. Warren, leave of absence was granted for Rep. White (F).

On motion of Rep. Freeman, leave of absence was granted for Rep. Grayson.

MOTION IN WRITING

Pursuant to the Motion in Writing filed on the thirteenth legislative day, Rep. Holmes offered the motion to have the House direct the Committee on Ways and Means to report the bill, H. 242, to the House for consideration, and the motion was lost.

Yeas 17; Nays 55.

Yeas:

Reps. Black, Bryant, Buskey (JL), Davis, Gaston, Holmes, Kennedy, Marietta, Mathis, McClain, McKee, Melton, Newton (D), Perdue, Rogers, Spratt and Zoghby.

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Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Brooks, Burke, Butler, Carter, Clay, Colvin, Crow, Curry, Flowers, Ford, Fuller, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Laird, Layson, Logan, Marks, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Turner, Venable, Warren, White (G), White (L), Williams, Willis and Wright.

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BILLS ON SECOND READING

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute

and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 79. (With Substitute) (With Amendments): To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

H. 827. To provide for the issuance of distinctive license plates and placards for use in special parking places reserved for disabled and handicapped persons, to provide minimum standards and the available number of said parking places, to provide for penalties for the unauthorized use of disabled parking places, to establish the Disabled Persons Transportation Fund, and to repeal sections 32-6-230 through 32-6-234 and 40-12-300 through 40-12-302, Code of Alabama 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

The above bill was read a second time at length as required by the Constitution.

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 33 was referred to the Standing Committee on Tourism, Entertainment and Sports.

H. 844. To further provide for the regulation, in Class 1 municipalities, of horse racing, dog racing and pari-mutuel wagering thereon; to amend Sections 11-65-1, 11-65-2, 11-65-3, 11-65-7, 11-65-10, 11-65-14, 11-65-16, 11-65-20, 11-65-23, 11-65-25, 11-65-28, 11-65-29, 11-65-30, 11-65-31, 11-65-35, 11-65-36, 11-65-37, 11-65-38, 11-65-39, 11-65-40, 11-65-43, 11-65-44, and 11-65-47 of, and add Sections 11-65-48, 11-65-49, and 11-65-50 to chapter 65, Code of Alabama 1975, to require that dog racing and pari-mutuel wagering thereon shall not be permitted in any Class 1 municipality unless approved at a referendum of the voters in the municipality and the host county of such municipality; to permit, but not require, that both horse and dog racing meets may be held at the same racetrack; to provide that the commission in any such Class 1 municipality shall not issue any other operator's license with respect to any racing events authorized in such Class 1 municipality without the consent of the operator or operators holding all operator's licenses already in effect; to provide that in any Class 1 municipality in which a racetrack was constructed pursuant to a license granted by the commission in such municipality prior to the effective date of this act, no license may be granted by the commission to conduct dog racing at any location other than such existing racetrack without the prior written consent of such municipality and the owner or owners (and any mortgagee) of such existing racetrack; and to provide that in any Class 1 municipality in which a racetrack was constructed pursuant to a license granted by the commission in such municipality prior to the effective date of this act, no person may be licensed to construct or operate a racetrack for dog racing unless such person is also licensed to conduct horse racing at the same racetrack or a related facility and the terms of the license of such person require that horse racing be conducted at such racetrack or a related facility not less than 90 days during each calendar year; and to provide that the provisions of this act shall apply prospectively.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

H. 767. Relating to Jefferson County, authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that

such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Hammett:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

Committee on Banking.

By Rep. White (L) (With Notice and Proof):

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ford (With Notice and Proof):

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 856, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 858, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hamilton, Starkey, and Goodwin (With Notice and Proof):

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Richardson:

H. 860. To amend Section 34-6-10 of the Code of Alabama 1975, relating to permitting minors to play billiards or pool, so as to permit minors to play billiards or pool in certain instances and to prescribe certain criminal penalties.

Committee on Judiciary.

By Rep. Moon (With Notice and Proof):

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moon (With Notice and Proof):

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson (With Notice and Proof):

H. 863. Relating to Pickens County; imposing a certain fee on each ton of hazardous or non-hazardous waste or substances disposed of at any commercial disposal site for such waste or substances within the county; providing that the provisions of this act shall not affect such waste or substances collected and disposed of either by the county or by any municipalities within the county; providing for collection of such fee by the operators of any disposal site receiving such waste and substances; providing for disposition of the proceeds from such fees and prescribing penalty for violations of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 863, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson (With Notice and Proof):

H. 864. Relating to Pickens County; providing for standards under which the county commission may approve the siting or construction of a solid or hazardous waste treatment facility or disposal site in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newton (C) (With Notice and Proof):

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 866, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 867. To further regulate horse racing events in Class 1 municipalities, Sections 11-65-1 through 11-65-47, Code of Alabama 1975, as amended, so as to authorize the racing commission to permit other pari-mutuel wagering including dog racing events, subject to the same regulations, penalties and entitlements as horse racing events to the extent these are applicable; to permit the dog events to be held in facilities adjacent to but not on the same premises or shared tracks as facilities for horse racing, or to allow the operation of any dog track facilities and events in a separate location, from the horse racing events location, within such municipality; to provide for a certain percent of the handle to be used to retire certain losses related to the horse racing operations; and to provide for a county-wide referendum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 867, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hogan (With Notice and Proof):

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 868, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hogan (With Notice and Proof):

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper and Marietta:

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in connection with the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$10,000,000; and to authorize the state to establish a public corporation with the powers and resources necessary to undertake obligations authorized by this amendment to be undertaken by the state.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Fuller and Campbell:

H. 871. To further provide for insurance fees and taxes; to raise revenue and to that end to repeal Section 27-4-4, relating to foreign insurers, and Section 27-4-6, Code of Alabama 1975, as amended by Act No. 88-875, H. 310 of the First Special Session 1988, relating to such annual taxes on certain marine and transportations insurers; to amend further Section 27-4-5, Code of Alabama 1975, as amended, relating to domestic insurance, so as to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies; to provide no provision shall be construed severably; and to prescribe an effective date, retroactively.

Committee on Insurance.

By Reps. Davis and McClain (With Notice and Proof):

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 872, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (RG) and Knight:

H. 873. To provide that health care service plan corporations organized under article 6, chapter 4, Title 10, Code of Alabama 1975, be domestic mutual insurance companies governed by the Insurance Code, and accorded the same rights and powers and subjected to the same limitations and restrictions as other domestic mutual insurers; to authorize all other domestic insurers to furnish health care service plans to the public; and to provide for the continuation of the existence of such corporations, prohibition from delivery of health care services and ownership or control of health care facilities as defined in section 22-21-260(5), Code of Alabama 1975, and

continued application of premium tax revenues, and other transitional provisions.

Committee on Insurance.

By Reps. Gaston, Zoghby, Kvalheim, and Poole:

H. 874. To exempt the "Garden Clubs of Alabama, Inc." and each local chapter thereof, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Newton (D), Spratt, Escott, and Perdue (With Notice and Proof):

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Melton, Davis, and McClain:

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Committee on Education.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Grayson, Hall and Freeman:

H. J. R. 268. COMMENDING PRINCE PREYER, JR., OF MADISON COUNTY, ALABAMA.

WHEREAS, Prince Preyer, Jr., who is a member of the Madison County Commission, representing District 6, is a 1958 graduate of Alabama A&M University with the B.S. degree in Agricultural Education; he also holds the M.Ed. and Ph.D. degrees in Agricultural Education from Tuskegee Institute and Iowa State University, respectively; and

WHEREAS, a former High School Vocational Agricultural teacher for twelve years, Prince Preyer, Jr., also was an instructor at Iowa State University (1974-1976) and was a teacher-educator at Alabama A&M University

for eighteen years, from 1970 to 1974 and 1976-1980, and from September 1980 to December 1988 during which period he was chairman of the Agribusiness Education Department; and

WHEREAS, Dr. Preyer, who is a member of several professional organizations and has served in numerous professional non-teaching assignments, also is the recipient of such prestigious recognitions as the State Farmer's Degree from the Alabama FFA Association and Outstanding Service Award from the National Vocational Agricultural Teachers Association, among others; and

WHEREAS, also honored through selection for special professional assignments, he has often been called upon to conduct inservice seminars and workshops, and/or to address conferences in support of program services to Vocational Agriculture/Agribusiness; and

WHEREAS, Dr. Preyer further is a former president of the Alabama Huntsville-Madison County Conference Chapter (1980); founding president for the Huntsville-Madison County Alabama New South Coalition Chapter (1987); and is a Deacon of First Baptist Church, Blue Spring Road, Huntsville, Alabama, among other involvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, and contributions to the community, we hereby most highly commend Prince Preyer, Jr., for whom a copy of this resolution of honor and esteem shall be provided.

On motion offered by Rep. Brooks, the rules were suspended and the resolution, H. J. R. 268, was adopted.

Also:

By Rep. Coburn:

H. R. 269. INVITING DR. FRED GAINOUS TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, The Alabama College System's 40 community, junior and technical colleges provide a broad array of educational services, which include university transfer, occupational and technical associate degree programs, annually serving over 68,000 students; and

WHEREAS, more than 38 percent of all students in public higher education in the state who are served by The Alabama College System benefit from high-quality education, at a reasonable cost, within commuting distance of their homes; and

WHEREAS, The Alabama College System encourages excellence in student preparation and performance and, through recognition of student success, promotes outstanding achievement of all students; and

WHEREAS, Alabama's two-year colleges provide numerous services ranging from employee upgrade training and adult literacy to continuing and community education, which are designed to meet the needs of business, industries and local communities; and

WHEREAS, The Alabama College System works in partnership with business, industry and government to foster economic development; and in 1988 over 100 companies served through training for business and industry

programs provided 9,000 employees with upgrade training, and 200 customized training programs also were designed to meet their unique needs; and

WHEREAS, in addition to these programs, Alabama Industrial Development Training conducted training for over 3,670 people seeking employment in 84 new or expanded industries and the Skills Training and Education Program provided 17,000 Alabamians with the skills necessary for employment; and

WHEREAS, through these services The Alabama College System meets the diverse and changing needs of local communities and fulfills a vital function within Alabama's higher education system; and

WHEREAS, in 1990 The Alabama College System will celebrate its silver anniversary of quality, affordable, accessible education; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby respectfully request Dr. Fred Gainous, Chancellor of The Alabama College System, to address the Alabama House of Representatives on April 13, 1989, at 11:00 a.m., and that we recess at that hour to hear Dr. Gainous' remarks and to be present for the bestowal of awards to the Most Outstanding Students in Alabama's two-year college system.

BE IT FURTHER RESOLVED, That Dr. Gainous be advised, by copy of this resolution, of our invitation and hopeful anticipation of his acceptance.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. R. 269, was adopted.

Also:

By Reps. Zoghby, Kvalheim, and Marietta:

H. J. R. 270. CONGRATULATING ROSALIE ANKERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Rosalie Ankerson, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Rosalie Ankerson, a member of St. Dominic Church, has been active in her parish and archdiocesan organizations, and particularly in the Mobile District and the Archdiocesan Council of Catholic Women, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Rosalie Ankerson has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Rosalie Ankerson, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Rosalie Ankerson, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 270, was adopted.

Also:

By Reps. Zoghby and Marietta:

H. J. R. 271. CONGRATULATING MARIE KENNY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Marie Kenny, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Marie Kenny, a member of Our Lady of Lourdes Church, has been active in her parish, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Marie Kenny has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Marie Kenny, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Marie Kenny, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 271, was adopted.

Also:

By Reps. Zoghby and Kennedy:

H. J. R. 272. CONGRATULATING AMALIE ELLIS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Amalie Ellis, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Amalie Ellis, a member of St. Joseph Jesuit Church, has been active in her parish and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Amalie Ellis has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Amalie Ellis, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Amalie Ellis, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 272, was adopted.

Also:

By Reps. Zoghby and Kennedy:

H. J. R. 273. CONGRATULATING MYRIAM WILKINS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Myriam Wilkins, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Myriam Wilkins, a member of The Cathedral Parish, has been active in her church, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Myriam Wilkins has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Myriam Wilkins, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Myriam Wilkins, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 273, was adopted.

Also:

By Reps. Zoghby and Kvalheim:

H. J. R. 274. CONGRATULATING MARY BAXLEY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Mary Baxley, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Mary Baxley, a member of Corpus Christi Church, has been active in her parish; she has served on the boards of the Mobile district,

REGULAR SESSION
14th Day

1075

and the Archdiocesan Council of Catholic Women, as well as other civic and charitable organizations and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, Mary Baxley has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Mary Baxley, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Mary Baxley, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 274, was adopted.

Also:

By Reps. Zoghby, Kvalheim, and Gaston:

H. J. R. 275. CONGRATULATING URSULA BARRETT ROMANO, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Ursula Barrett Romano, a resident of Mobile, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Ursula Barrett Romano, a member of St. Ignatius Church, has been active in her parish, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Ursula Barrett Romano has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Ursula Barrett Romano, Mobile, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Ursula Barrett Romano, Mobile, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 275, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 276. CONGRATULATING VALERIE MCDONOUGH, WHISTLER, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Valerie McDonough, a resident of Whistler, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Valerie McDonough, a member of St. Bridget Church, has been active in her parish and particularly in the Mobile District and the Archdiocesan Council of Catholic Women of which she is a board member and has been president of each organization, and her life has been faith filled in service to others for the betterment of her church and civic community; and

WHEREAS, Valerie McDonough has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an example and inspiration for others to reach out to the needs of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Valerie McDonough, Whistler, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her distinctive "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Valerie McDonough, Whistler, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 276, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 775, after consideration of local bills.

On motion of Rep. Venable, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 638, after consideration of local bills.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bugg, Budget Isolation Resolution relating to H. B. 150, was adopted.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bryant, Bugg, Buskey (JE), Carothers, Clay, Colvin, Crow, Ford, Gaston, Harper,

Higginbotham, Hogan, Kvalheim, Mathis, McClain, Mikell, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Rains, Spratt, Turnham, White (G), Willis, Wright and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bugg offered the following substitute to the bill, H. 150:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled.

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes shall be legal in Etowah County, subject to the provisions of any resolution by the county commission. The county commission shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games; provided, however, the county commission must insure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 5 years immediately prior to the issuance of the permit or license;

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises is leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game;

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the legislature, during any bingo session. The legislature shall set a maximum amount for any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Etowah County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bryant, Bugg, Buskey (JE), Carothers, Clay, Ford, Higginbotham, Kvalheim, Mathis, McClain, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Rains, Spratt, White (G), Wright and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 150 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Coburn, Colvin, Cosby, Davis, Drake, Escott, Flowers, Ford, Fuller, Gaston, Hamilton, Hammett, Harper, Higginbotham, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Slaughter, Spratt, Turner, Turnham, Venable, Warren, White (G), White (L), Wright and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D) Budget Isolation Resolution relating to H. B. 541, was adopted.

Yeas 38; Nays 3.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Buskey (JE), Carothers, Clay, Colvin, Davis, Escott, Freeman, Gaston, Hall, Hammett, Harvey, Johnson (RG), Kvalheim, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newman, Newton (D), Perdue, Richardson, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L), Willis and Zoghby.

—38

Nays: Reps. Curry, Payne and Wright.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 4.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Carothers, Davis, Drake, Escott, Freeman, Gaston, Grouby, Hammett, Higginbotham, Johnson (RG), Kvalheim, Marks, Mathis, McClain, McDowell, Moon, Newman, Newton (D), Parker, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—34

Nays: Reps. Curry, Payne, Petelos and Wright.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Perdue Budget Isolation Resolution relating to H. B. 563, was adopted.

Yeas 36; Nays 3.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Clay, Colvin, Davis, Drake, Escott, Freeman, Hammett, Harvey, Higginbotham, Johnson (RG), Marks, Mathis, McClain, McDowell, McMillan, Newman, Newton (D), Parker, Perdue, Sanderford, Spratt, Thomas, Turner, Venable, White (G), Willis and Zoghby.

—36

Nays: Reps. Curry, Payne and Wright.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 4.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Colvin, Davis, Drake, Escott, Ford, Freeman, Grouby, Hammett, Harvey, Johnson (RG), Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newton (D), Parker, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G) and Zoghby.

—38

Nays: Reps. Curry, Payne, Petelos and Wright.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D) Budget Isolation Resolution relating to H. B. 540, was adopted.

Yeas 34; Nays 3.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Colvin, Davis, Drake, Escott, Freeman, Gaston, Hammett, Harvey, Holley, Kvalheim, Marks, McClain, McDowell, McMillan, Moon, Newton (D), Parker, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L) and Zoghby.

—34

Nays: Reps. Curry, Payne and Wright.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 540. (With Amendment): Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

1. Delete Lines 25 through 28 of Section 1, page 1, and place in lieu thereof the following:

Section 1. That Section 18 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be and the same is hereby further amended to contain an additional section, said additional section to read as follows:

"Notwithstanding any other provision of this section or act, when a vacancy is to be filled, which vacancy is not a department head position or entry-level position of police officer or firefighter, the appointing authority may elect to have the director certify to said appointing authority the names of the five highest ranking eligibles on the most appropriate eligible list. Such election may be accomplished by letter of the appointing authority or by such other method as the Board may reasonably adopt. This section shall not apply to promotional lists."

2. On page 7, Line 13 add the following new Section 2 and renumber subsequent sections accordingly.

Section 2. That Section 20 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be and the same is hereby further amended to contain an additional section, said additional section to read as follows:

"Notwithstanding any other provision of this section or act, when a vacancy is to be filled, which vacancy is not a department head or entry-level police officer or firefighter position, the appointing authority may elect to have the director certify to said appointing authority the names of the five highest ranking eligibles on the most appropriate eligible list. Such election may be accomplished by letter of the appointing authority or by such other method as the Board may reasonably adopt. This section shall not apply to promotion lists."

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Bugg, Buskey (JE), Butler, Clay, Colvin, Davis, Drake, Escott, Freeman, Grouby, Hall, Hamilton, Harper, Higginbotham, Holley, Hooper, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Spratt, Thomas, Turner, Venable, White (G), Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 540 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 4.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Clay, Colvin, Davis, Drake, Escott, Freeman, Grouby, Hamilton, Hammett, Harvey, Holley, Hooper, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newton (D), Parker, Penry, Perdue, Rogers, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—39

Nays: Reps. Curry, Payne, Petelos and Wright.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Logan Budget Isolation Resolution relating to H. B. 510, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Brooks, Bryant, Butler, Carter, Clay, Colvin, Curry, Drake, Escott, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Holley, Hooper, Knight, Kvalheim, Layson, Logan, Marks, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors

of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Brooks, Buskey (JE), Butler, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Gaston, Grouby, Hamilton, Hammett, Harper, Higginbotham, Holley, Hooper, Knight, Kvalheim, Laird, Logan, Marks, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Rains, Thomas, Venable, White (G), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell Budget Isolation Resolution relating to H. B. 711, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Gaston, Grouby, Hamilton, Hammett, Harvey, Hill, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marks, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Sanderford, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Hamilton, Hammett, Harvey, Hill, Knight, Marks, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Sanderford, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Spratt Budget Isolation Resolution relating to H. B. 661, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Clay, Colvin, Curry, Drake, Escott, Freeman, Hamilton,

Hammett, Harper, Harvey, Holley, Hooper, Johnson (RW), Layson, Marks, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L), Willis, Wright and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Carter, Clay, Colvin, Curry, Drake, Escott, Ford, Freeman, Gaston, Hamilton, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RW), Marks, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L), Willis, Wright and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marks Budget Isolation Resolution relating to H. B. 694, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Butler, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Gaston, Hall, Hammett, Holley, Hooper, Johnson (RW), Kvalheim, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (L), Willis and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Butler, Carter, Clay, Colvin, Crow, Curry, Drake, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Hill, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Layson, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson Budget Isolation Resolution relating to H. B. 712, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Bryant, Buskey (JE), Colvin, Crow, Curry, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman,

Newton (C), Newton (D), Payne, Penry, Perdue, Sanderford, Spratt, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Drake, Ford, Frazier, Gaston, Grouby, Hamilton, Hammett, Harper, Headley, Hill, Hogan, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley Budget Isolation Resolution relating to H. B. 723, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Brooks, Bryant, Butler, Carothers, Carter, Colvin, Curry, Drake, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Holley, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McKee, McMillan, Newman, Newton (C), Payne, Penry, Perdue, Rains, Sanderford, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Brooks, Bryant, Carothers, Colvin, Curry, Freeman, Gaston, Hall, Hamilton, Harper, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Rains, Sanderford, Slaughter, Spratt, Turner, Venable, White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 730, was adopted.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Brooks, Bryant, Colvin, Curry, Freeman, Gaston, Hall, Harvey, Hill, Knight, Kvalheim, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Rains, Spratt, Thomas, Turner, White (G), White (L), Willis and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Brooks, Bryant, Butler, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Gaston, Hall, Hamilton,

Harper, Harvey, Hill, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Sanderford, Spratt, Thomas, Turner, White (G), White (L), Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett Budget Isolation Resolution relating to H. B. 739, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Brooks, Bryant, Buskey (JE), Butler, Colvin, Curry, Drake, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Hill, Knight, Kvalheim, Layson, Logan, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Rains, Sanderford, Spratt, Turner, White (G), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 739. Relating to Covington County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any services because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Clay, Colvin, Curry, Drake, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Hill, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Sanderford, Spratt, Thomas, Turner, White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Knight Budget Isolation Resolution relating to S. B. 131, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carter, Clay, Colvin, Curry, Ford, Freeman, Gaston, Hall, Hamilton, Harvey, Hill, Hogan, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Rains, Sanderford, Turner, White (G), White (L), Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 131. Relating to the City of Pelham in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term and power of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carter, Clay, Curry, Ford, Freeman, Gaston, Grouby, Hamilton, Hill, Hogan, Johnson (RW), Knight, Kvalheim, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Rains, Sanderford, Spratt, Thomas, White (G), White (L) and Willis.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to S. B. 350, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Colvin, Curry, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Harvey, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Penry, Rains, Sanderford, Thomas, Turner, Venable, White (G), White (L), Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 350. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

Was read a third time at length and passed.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Brooks, Butler, Clay, Colvin, Curry, Freeman, Gaston, Hall, Hamilton, Harper, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, McMillan, Moon, Newman, Parker, Penry, Rains, Rogers, Sanderford, Thomas, Turner, Venable, White (G), White (L), Williams and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clay Budget Isolation Resolution relating to H. B. 413, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clay, Colvin, Drake, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Harvey, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Poole, Rogers, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L), Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Knight inadvertently voted "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 413.

And the bill:

H. 413. Relating to the imposition of a license fee or tax by the Bullock County Commission upon any natural person on account of personal services rendered at a rate not to exceed one percent (1%) on gross receipts and compensation derived from salaries, wages, commissions and/or bonuses by anyone in Bullock County who is engaged in any trade occupation or profession for the purpose of providing tax revenue for the Bullock County Hospital; to provide for the permissive power and authority of the County Commission to impose, levy, collect and remove such tax; to provide for the imposition of fines, interest and penalties for the enforcement of the collection of the tax; to provide for the duty of withholding, reporting and remitting said tax imposed, upon the persons taxed and the employer; to provide for an advisory referendum on the question of the continued imposition of the tax; to provide for the power and authority of the County Commission to promulgate regulations for administration and enforcement of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clay, Colvin, Curry, Drake, Ford, Freeman, Fuller, Hall, Hamilton, Harper, Harvey, Hill, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Penry, Poole, Rogers, Sanderford, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Clay was added as co-sponsor to the bill, H. 413.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bugg Budget Isolation Resolution relating to H. B. 535, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Colvin, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Hill, Johnson (RW), Kennedy, Layson, McMillan, Newman, Newton (C), Newton (D), Penry, Perdue, Rains, Rogers, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 535. (With Substitute): Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bugg offered the following substitute to the bill, H. 535, and to the pending substitute.

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Etowah County Bingo Act."

Section 2. As used in this act the following words shall have the following meanings as ascribed herein, unless the context clearly indicates otherwise:

(1) "Bingo" means that game commonly known as bingo where numbers or symbols on a card or paper sheet are matched with numbers or symbols selected at random.

(2) "Qualified organization" means a bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which operates without profit to its members and which has been in existence continuously as such an organization for a period of five years and is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government. The tax-exempt Etowah County Council on Aging is exempt from the time requirement.

(3) "Person" means any human being, corporation, association, or other legal entity.

(4) "Permit holder" means a qualified organization which has been issued a permit or license pursuant to this act.

(5) "Location" means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this act. Bingo games shall be held only on the premises wholly owned by a qualified permit holder with exception to rental agreement in accordance with the provisions of this act.

(6) "Bingo session" means a consecutive period of time not to exceed five consecutive hours during which bingo is played in a given day and not to exceed two such days in a given week, except for special permit holders.

(7) "Special permit holder" means one who holds a permit for a special occasion and as provided by Section 5 of this act.

Section 3. The operation of bingo games for prizes or money by qualified organizations for bona fide charitable, educational or other lawful purposes shall be legal in Etowah County, subject to the provisions of this act.

Section 4. (a) No qualified organization shall be permitted to operate a bingo game unless the sheriff first issues a permit to the organization authorizing it to do so. The permit described in this act is in addition to, and not in lieu of, any other business licenses which may be required by law, and no bingo game shall be operated until such time as all required licenses have been obtained. A permit holder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable.

(b) Any qualified organization desiring to obtain a permit to operate bingo games in a calendar year shall make application to the sheriff on forms prescribed by the sheriff and shall pay an annual fee of \$100.00 for such issuance, to be used by the sheriff to help offset the cost of administration. Renewal application shall also be filed with the sheriff. The sheriff shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each applicant for a permit shall evidence its prior existence for at least five years and provide the following information:

(1) The name and home address of the applicant, and if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers of the organization, as well as the names and addresses of the directors, or other persons similarly situated, of the organization.

(2) The names and home addresses of each of the persons who will be operating or promoting the bingo game.

(3) The names and home addresses of any persons, organizations or other legal entities that will act as surety for the applicant.

(4) The location at which the applicant will conduct the bingo games.

(5) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in subdivisions (1), (2) and (3) above.

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of \$25.00 fee.

Section 5. (a) A qualified organization which does not hold a permit pursuant to Section 4 may apply for a special permit for conducting a bingo session at a designated location for a special occasion. Such an applicant shall submit to the sheriff a written application prepared in accordance with and on a form prescribed by rule of the sheriff. The application shall include the information required by subsection (b) of Section 4, except that the applicant shall indicate the day or days on which the applicant will conduct the bingo session for the special occasion. Upon a determination by the sheriff that the applicant is a qualified organization and is not ineligible pursuant to Section 14 and upon the applicant's payment of the required fee under this subsection to the sheriff's department, the sheriff may issue a special permit. The special permit fee shall be \$25.00 per day.

(b) A special permit shall contain the name and address of the permit holder and shall specify the location and the day on which the permit holder may conduct the bingo session. Only one special permit may be issued each month and no more than one special permit per year may be issued to the same organization.

(c) Special permits are not transferable or assignable.

Section 6. (a) Each bingo permit shall contain the name and address of the permit holder, the location at which the permit holder is permitted to conduct bingo, and the day(s) of the week on which the permit holder is permitted to conduct bingo.

(b) The bingo permit holder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Section 7. (a) It is the intention of the legislature that only qualified organizations which are properly issued permits or licenses, pursuant to this act, shall be allowed to operate bingo games. A qualified organization shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which said other person is substantially financially interested.

(b) All bingo cards or paper sheets shall be clearly marked with the name of the organization using said cards or paper sheets and it shall be unlawful for one qualified organization to use cards or paper sheets owned by another.

(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in Section 10. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(d) Any qualified organization may deduct the reasonable expenses of operating and conducting its bingo games as permitted herein. Reasonable expenses shall be defined as including customary and usual business overhead expenses.

(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

Section 8. In addition to the licensing fees imposed under the provisions of this act, there is hereby imposed a \$0.10 per card or paper sheet fee to be remitted quarterly by the permit holder to the county revenue department. All fees collected by the county revenue department under this act shall be paid into the county general fund, to be used by public schools in Etowah County and by Gadsden State Community College on a per pupil basis determined annually from the fall quarter, full time enrollment on campuses located in Etowah County.

The allocation for the public schools shall be spent for the development and support of a youth symphony orchestra or orchestras and any remaining funds shall be allocated to elementary schools for fine arts programs. The allocation for Gadsden State Community College shall be spent for scholarships for Etowah County students to Gadsden State Community College.

The county revenue department will forward the designated monies to the boards of education in Etowah County and to Gadsden State Community College within ten days after receipt.

The per pupil share for each school board shall be determined annually by the fall enrollment of full-time students as reported on the first month's attendance record. The per pupil share for Gadsden State Community College shall be determined annually by the fall enrollment of full-time students

enrolled in classes meeting in Etowah County based upon the official enrollment report submitted to the Department of Post Secondary Education, State of Alabama.

Section 9. The net proceeds of a bingo game shall be devoted to the charitable or educational purposes of the permit holder; provided, however, all reasonable expenses incurred or paid in connection with the holding, operating, or conducting of bingo, including the following bona fide expenses, in reasonable amounts, shall be allowed:

(1) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair of equipment.

(2) Payment of cash prizes or the purchase of prizes of merchandise.

(3) Reasonable rental or payment on the location at which bingo is conducted.

(4) Utilities.

(5) Janitorial services.

(6) The fee required for issuance or reissuance of a permit to conduct bingo.

(7) Other reasonable expenses incurred by the permit holder, not inconsistent with this act.

Section 10. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder.

(b) Prizes given by any organization for the playing of bingo games shall not exceed \$1,200.00 in cash or gifts of equivalent value during any bingo session, and shall not exceed \$2,400.00 for any calendar week.

(c) A permit holder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permit holder to advertise bingo, the permit holder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permit holder.

(d) A permit holder shall conduct bingo games only at the single location specified in the permit holder's application.

(e) A permit holder shall not conduct more than one bingo session during any one calendar week and no session shall exceed five hours.

(f) No person under the age of 19 years shall be permitted to play, unless accompanied by a parent or guardian, any game or games of bingo conducted pursuant to any permit issued under this act. No person under the age of 19 years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued under this act.

Section 11. Each permit holder shall maintain the following records pertaining to each bingo session for at least one year from the date of the session:

(1) An itemized list of gross receipts for each session.

(2) An itemized list of all expenses, including the name of each person to whom the expenses are paid and a receipt or invoice for all of said expenses.

Section 12. (a) On or before April 15th, after the provisions of this act have been in effect for one year, and on or before April 15th of each calendar year thereafter, each permit holder shall file with the sheriff a copy of the records required in Section 11 relating to the operation of bingo sessions in the previous calendar year. Said records for the preceding one year required by Section 11 shall be open to inspection by any law enforcement agency, the sheriff, or the county revenue office or their duly authorized representatives during reasonable business hours.

(b) The location at which bingo is being conducted or at which an applicant or permit holder intends to conduct bingo shall be open to inspection during regular business hours by the sheriff or any law enforcement agency.

Section 13. The sheriff, for good cause shown, may revoke any permit issued pursuant to this act if the permit holder or any officer, director, agent, member or employee of the permit holder violates this act or rule promulgated hereunder. The revocation by the sheriff shall become effective 10 days after proper notice by the sheriff to the permit holder unless within said 10-day period the permit holder makes a written request for a hearing to the county commission or governing body. All existing rules and procedures for meetings and hearings before the county commission shall apply herein unless in direct conflict with any of the provisions hereof. Following a full hearing and the rendering of a written decision by the said county commission, either party may appeal same to the circuit court of this county and request a trial by jury. The rendering of a decision adverse to the permit holder by the county commission shall result in the immediate revocation of the subject permit.

Section 14. (a) A permit holder whose permit is revoked in consequence of a violation of this act or a rule promulgated under this act is ineligible to apply for a permit for a period of one year after the revocation.

(b) A person convicted of an offense under Section 16 or any other gambling offense is ineligible to serve as an officer or a permit holder or to participate in conducting bingo for a period of one year after the conviction becomes final. If the person is licensed pursuant to this act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one year thereafter.

(c) If the permit is revoked, in addition to other penalties which may be imposed, the sheriff may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding one year.

(d) The permit holder shall return its permit to the sheriff on or before the effective date of a revocation or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the revocation or forfeiture.

Section 15. The circuit court of this county shall have jurisdiction to restrain or enjoin violations of this act and shall afford trial by jury for all appeals directed to it for alleged violations of this act leading to revocations of existing permits.

Section 16. Any person who violates the provisions of this act shall be guilty of a Class C misdemeanor upon first conviction hereunder. Any subsequent conviction hereunder shall be a Class A misdemeanor. Any person who is convicted pursuant to this section shall be punished as provided by law.

Section 17. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of the provisions of this act, may be contraband and may be seized and is forfeited. Property forfeited may be sold, destroyed, or retained for official use by the state or county law enforcement agencies as the circuit court directs, following a full due process hearing.

Section 18. Any other law providing a penalty or disability upon a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his premises, or who does other acts in connection with bingo, shall not apply to such conduct when done pursuant to this act or rules promulgated under this act.

Section 19. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are hereby repealed.

Section 21. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo within Etowah County.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Brooks, Bryant, Butler, Colvin, Escott, Ford, Harvey, Kennedy, Layson, McMillan, Newman, Newton (C), Newton (D), Penry, Perdue, Rains, Sanderford, Spratt, Thomas, Turner, Venable, White (L) and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Clay, Escott, Gaston, Hall, Hamilton, Harper, Hogan, Johnson (RW), Kennedy, McMillan, Newman, Newton (C), Penry, Perdue, Rains, Rogers, Sanderford, Thomas, Turner, Venable, White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 729, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Curry, Escott, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Hogan, Kennedy, Knight, Logan, Marks, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, White (G), White (L), Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 729. (With Amendment): Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said

authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for co-operation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was taken up.

The question was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 729, Page 14, Section 6, Line 34, after the word and semicolon "service;" by adding the following language:

and provided further that nothing in this subsection or anywhere else in this act shall be deemed to authorize the authority to acquire, without the consent of the owner or owners thereof, any portion of any hydroelectric project licensed by the Federal Energy Regulatory Commission or any predecessor or successor agency or to withdraw any water from such project.

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Colvin, Curry, Freeman, Gaston, Harper, Harvey, Haynes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan,

Marks, Mathis, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 729 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Butler, Carothers, Clay, Coburn, Curry, Drake, Freeman, Gaston, Hall, Harper, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Marks, Mathis, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Spratt, White (G), White (L), Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas Budget Isolation Resolution relating to H. B. 732, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Clay, Colvin, Curry, Freeman, Fuller, Grouby, Hall, Hamilton, Harper, Hill, Hogan, Johnson (RW), Kennedy, Layson, Marks, Melton, Moon, Newman, Parker, Perdue, Petelos, Sanderford, Thomas, Turner, White (G), Willis, Wright and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Clay, Curry, Escott, Freeman, Fuller, Grouby, Hall, Hamilton, Harper, Headley, Hill, Hogan, Johnson (RW), Kennedy, Knight, Layson, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (G), Willis, Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black Budget Isolation Resolution relating to H. B. 737, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Curry, Escott, Freeman, Hall, Hamilton, Harper, Headley, Hill, Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McMillan, Melton, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Breedlove, Brooks, Bryant, Butler, Colvin, Curry, Escott, Freeman, Hall, Hamilton, Haynes, Headley,

Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Marks, McMillan, Melton, Mikell, Newman, Parker, Penry, Perdue, Sanderford, Spratt, Thomas, White (G), White (L) and Willis.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey Budget Isolation Resolution relating to H. B. 744, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Colvin, Curry, Escott, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Sanderford, Venable, White (G), White (L), Willis and Zoghby.

—53

And the bill:

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Colvin, Curry, Escott, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Sanderford, Turner, White (G), White (L), Willis, Wright and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J) Budget Isolation Resolution relating to H. B. 762, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Carothers, Clay, Colvin, Curry, Escott, Freeman,

Gaston, Grouby, Hall, Hammett, Harper, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rains, Sanderford, Thomas, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—55

And the bill:

H. 762. Relating to Barbour County; authorizing the Barbour County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Carothers, Clay, Colvin, Curry, Escott, Freeman, Gaston, Grouby, Hall, Harper, Harvey, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Rains, Sanderford, Thomas, Turner, Venable, White (G), White (L), Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 763, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Curry, Escott, Gaston, Hamilton, Hammett, Harper, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McClain, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Rains, Sanderford, Thomas, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Breedlove, Bryant, Butler, Clay, Colvin, Curry, Escott, Gaston, Harper, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, McClain, Melton, Moon, Newman, Newton (C), Newton (D), Perdue, Petelos, Sanderford, Spratt, Thomas, Turner, Venable, White (G), White (L), Wright and Zoghby.

—37

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 764, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Brooks, Bryant, Butler, Clay, Curry, Escott, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McClain, McKee, Melton, Moon, Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Spratt, Thomas, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa

County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Curry, Escott, Grouby, Hall, Hamilton, Harper, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Melton, Moon, Newman, Newton (D), Payne, Perdue, Petelos, Spratt, Thomas, Turner, Venable, White (G), White (L), Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 765, was adopted.

Yeas 44; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Clay, Colvin, Curry, Escott, Gaston, Hamilton, Harper, Harvey, Johnson (RW), Kennedy, Kvalheim, Layson, Logan, Marks, McClain, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Spratt, Thomas, White (G), White (L), Willis and Wright.

—44

Nays: Reps. Freeman, Hall and Warren.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 765. Relating to Tallapoosa County; to authorize the county commission to impose an excise tax not to exceed five cents (\$0.05) per gallon on persons engaged in the business of selling, distributing, storing or withdrawing from storage, gasoline or motor fuel; to provide for the collection, payment and distribution of such tax; to authorize the county commission to make rules and regulations for the collection of such tax; to provide for

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the enforcement of this act; and to fix the penalty for the violation of any provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 3.

Yeas:

Reps. Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Clay, Colvin, Curry, Escott, Harvey, Johnson (RW), Kvalheim, Logan, Marks, McClain, McMillan, Melton, Newman, Newton (D), Payne, Perdue, Petelos, Spratt, Thomas, Turner, White (G), White (L), Willis, Wright and Zoghby.

—34

Nays: Reps. Freeman, Hall and Warren.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. White (L), the Budget Isolation Resolution and the bill, H. 768, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution relating to H. B. 772, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Brooks, Buskey (JE), Butler, Clay, Colvin, Cosby, Curry, Freeman, Hall, Hamilton, Harper, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Petelos, Sanderford, Slaughter, Walker, White (G), White (L), Willis, Wright and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Box, Breedlove, Brooks, Butler, Carothers, Clay, Colvin, Freeman, Grouby, Hall, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Parker, Payne, Sanderford, Venable, White (G), White (L), Willis and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Warren, the Budget Isolation Resolution and the bill, H. 774, were carried over to the fifteenth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution relating to H. B. 776, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Colvin, Freeman, Grouby, Hall, Hamilton, Harper, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Sanderford, Spratt, Venable, Walker, Warren, White (G), White (L), Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Colvin, Escott, Ford, Freeman, Grouby, Hall, Harper, Harvey, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Rogers, Sanderford, Turner, Venable, Walker, White (G), White (L) and Willis.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House non-concurred in the Senate amendment to the bill, H. 281, and requested a Committee on Conference be appointed on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HOUSE BILL 281 AS SUBSTITUTED

Amend the Substitute, as amended for H. B. 281 on page 39 by deleting lines 25-33 in their entirety.

Further amend on page 50, lines 11, 13 and 14 by deleting the number "8,000,000" and inserting in lieu thereof the figure "8,250,000."

Amend the Substitute, as amended, for House Bill 281 on page 33 after line 8 by inserting the following:

"In addition to the above appropriation, there is hereby appropriated the amount of \$1,000,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon approval of the Governor. Such funds shall be used as provided in this sub-section."

Amend the Substitute, as amended, for House Bill 281 on page 46 after line 32 by inserting the following:

"In addition to the above appropriation there is hereby appropriated to the Alabama Public Library Service the amount of \$1,000,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon approval of the Governor."

Amend the Substitute, as amended, for House Bill 281 on page 47, after line 35 by inserting the following:

"In addition to the above appropriation, there is also hereby conditionally appropriated to the Department of Mental Health and Mental Retardation for educational purposes the sum of \$1,500,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor."

Amend the Substitute, as amended, for H. B. 281 page 18 line 36 strike "50%" and insert in lieu thereof "80%."

Page 21 line 15 strike "50%" and insert in lieu thereof "80%."

Amend the Substitute, as amended, for H. B. 281 as substituted page 23 line 26 after the period add the following:

In addition to the above appropriation there is hereby conditionally appropriated the sum of 27,000 to the Henry County Board of Education for special education programs.

Amend the Substitute, as amended, for H. B. 281 on page 35, line 31 by deleting the number "\$200,000" and inserting in lieu thereof the number "\$300,000."

Amend the Substitute, as amended, for House Bill 281 on page 11, by striking lines 26 through 31 in their entirety;

Further amend on page 9 line 24 and page 10 line 13 by striking the figure "18,621,140" and inserting in lieu thereof the figure "18,721,140"

Further amend on page 9 line 32 by striking the figure "13,365,118" and inserting in lieu thereof the figure "13,465,118"

Further amend on page 10 lines 11 and 13 by striking the figure "16,159,342" and inserting in lieu thereof the figure "16,259,342."

Amend the Substitute for House Bill No. 281 as substituted on Page 33 Line 24, after the period by inserting the following:

"This conditional appropriation shall be the second conditional appropriation released following the release of the funds to the Proration Prevention Account as provided for herein. These funds, when released, shall first be allocated to schools according to the earliest dates of their burning."

SUBSTITUTE FOR HOUSE BILL 281

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1990, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1990, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total	
	ASETF	Trust Funds
		Appropriation Total
SECTION 3.		
A. STATE AGENCIES:		
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:		
(a) Support of Other Educational Ac- tivities Program		112,500
SOURCE OF FUNDS:		
(1) ASETF	112,500	
Total American Legion and Auxiliary Scholarships	112,500	112,500
To be expended under the provisions of <u>Code of Alabama 1975</u> , as		

amended, Sections 16-31-1 through
16-31-4.

2. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program 2,146,033

SOURCE OF FUNDS:

(1) ASETF	1,499,133		
(2) Federal and Local Funds		646,900	
Total State Council on the Arts	1,499,133	646,900	2,146,033

In addition to the above appropriation to the State Council on the Arts, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund the sum of \$100,000 to be used to fund local arts councils. There is also hereby conditionally appropriated the sum of \$250,000 to the State Council on the Arts to be used to fund the Alabama Symphony to be conditioned upon the availability of funds in the ASETF and the approval of the Governor. It is the intent of the Legislature that these conditionally appropriated funds be in addition to the regular appropriations to the various local arts councils. Said appropriations are conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

3. DEBT SERVICE:

(a) Debt Service Program 649,708

For interest on endowments as follows:

For interest on University of Montevallo (Alabama College) Endowment, Estimated 34,964

For interest on Auburn University Endowment 20,280

For interest on University of Alabama Endowment 61,000

For interest on Grove Hill Endowment 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated 410,000

Interest on School Indemnity Lands, Estimated 90,000

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Interest on Valueless 16th Section
Lands 5,825
Interest on Surplus Revenue 26,764
Interest on James Wallace
Fund 275

Total Interest on Public School Fund
Endowment 532,864

SOURCE OF FUNDS:

(1) ASETF	649,708	
Total Debt Service	649,708	649,708

4. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Ac- tivities Program		176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000	
Total Board of Dental Scholarship Awards	176,000	176,000

To be expended under the provisions
of Code of Alabama 1975, as
amended, Sections 16-47-76 through
16-47-81.

5. EDUCATION, DEPARTMENT
OF:

(a) Administrative Services Program		15,381,323
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The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Compact for Education 44,000
Operations and Maintenance of
Department 5,247,615
Leadership and
Management 300,000

SOURCE OF FUNDS:

(1) ASETF	5,591,615	
(2) Federal and Local Funds	9,789,708	
Total Administrative Services Program	5,591,615	9,789,708
		15,381,323

(b) Adult Basic Education/Communi- ty Education Program		6,466,910
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The ASETF monies included in the
above program are to be distributed
by the Department of Education as
follows:

Adult Basic Education 2,806,209

Of the above appropriation of \$2,806,209, the sum of \$206,411 shall be used to fund FICA for ABE programs.

Community Education 715,544

SOURCE OF FUNDS:

(1) ASETF	3,521,753		
(2) Federal and Local Funds		2,945,157	

Total Adult Basic Education/Community Education Program	3,521,753	2,945,157	6,466,910
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(c) Alabama Young Farmers Education Program			50,000
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SOURCE OF FUNDS:

(1) ASETF	50,000		
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Total Alabama Young Farmers Education Program	50,000		50,000
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(d) Financial Assistance Program			269,336,046
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers

Scholarships 23,760

To be paid in accordance with Code of Alabama 1975, as amended, Section 16-23-17.

Teacher In-Service

Centers 2,034,009

The State Board of Education shall administer the In-Service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$171,009 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
- (2) Alabama State University
- (3) Athens State College
- (4) Auburn University
- (5) Jacksonville State University

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- (6) Troy State University
- (7) University of Alabama
- (8) University of Alabama at Birmingham
- (9) University of Montevallo
- (10) University of North Alabama
- (11) University of South Alabama

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1988-89, and the number of teachers employed as reported on the 1988-89 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,034,009 to the In-Service Centers, there is hereby appropriated \$700,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF	2,057,769		
(2) Federal and Local Funds		267,278,277	
Total Financial Assistance Program ...	2,057,769	267,278,277	269,336,046

(e) Instructional Technical Assistance Program	12,276,494
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program	949,215
Early Childhood Education Administration	97,998
Instructional Technical Assistance	1,283,181

Special Education
Administration 400,902
Vocational Education
Administration 920,180
National Geographic Grant-Matching
Funds 50,000

SOURCE OF FUNDS:

(1) ASETF	3,701,476		
(2) Federal and Local Funds		8,575,018	
Total Instructional Technical Assis- tance Program	3,701,476	8,575,018	12,276,494
(f) Local Agency Support Program			18,621,140

The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Advanced Placement 468,891
Driver Education, School Bus Driver
Training and Vehicle Safety
Inspection 249,450
Free Textbooks 13,365,118
Guidance and Counseling 150,000
Operations and
Maintenance 177,944
School Attendance 76,204
School Facilities and Architectural
Services 196,934
Testing 1,409,464
Emergency Food Assistance
Program 65,337

SOURCE OF FUNDS:

(1) ASETF	16,159,342		
(2) Federal and Local Funds		2,461,798	
Total Local Agency Support Program	16,159,342	2,461,798	18,621,140
(g) Regulation Program			1,654,022

The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Teacher Certification and
Accreditation 385,851
Undergraduate/Graduate Program
Approval 251,232

SOURCE OF FUNDS:

(1) ASETF	637,083		
(2) Federal and Local Funds		1,016,939	

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Total Regulation Program	637,083	1,016,939	1,654,022
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(h) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents			8,839
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SOURCE OF FUNDS:

(1) ASETF	8,839		
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In addition to the above appropriation, there is also hereby conditionally appropriated, the sum of \$350,000 to the Helen Keller Eye Research Foundation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

Total Support of Other Educational Activities Program	8,839		8,839
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For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(i) Support of State Universities Program			50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds	50,000		
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Total Support of State Universities Program	50,000		50,000
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(j) Support of the Alabama Capital Appeals Resource Center, Inc.			100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000		
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Total Support of the Alabama Capital Appeals Resource Center, Inc.	100,000		100,000
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TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	31,827,877		
(2) Federal and Local Funds		292,116,897	

GRAND TOTAL DEPARTMENT
OF EDUCATION

31,827,877 292,116,897 323,944,774

The State Department of Education shall reimburse any local education authority or city or county school system that provides special education services or other appropriate services to students who are residents of Department of Mental Health and Mental Retardation facilities, Brewer Porch Center or any other public or private agency that provides residential or special educational services to students. Any local educational authority or city or county school system that is required by any state or federal law, State Board of Education policy or any other applicable federal or state court decision shall be entitled to reimbursement, from any funds available to the State Department of Education, at a reasonable rate as determined by the provider of such special educational services, but which shall not exceed the southeastern regional average. It shall be the responsibility of the State Department of Education to enter into any contractual agreement(s) as deemed necessary by the State Superintendent of Education to recover the costs of these services from the entities where such students reside. In addition to the above appropriation to the State Department of Education, there is also hereby conditionally appropriated the sum of \$2,000,000 to support the funding of the aforementioned reimbursements to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

6. EDUCATION, STATE BOARD
OF MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:

(a) Financial Assistance Program

724,953,909

SOURCE OF FUNDS:

(1) ASETF

675,277,424

(2) Public School Fund

45,000,000

(3) Local Funds

4,676,485

Total Minimum Program, Public School Fund and Local Funds	675,277,424	49,676,485	724,953,909
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The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of the Public School Funds appropriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1990, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1990.

The appropriation hereinabove set out for the fiscal year 1989-90 is based on 22,474.26 teacher units. It is provided in the event that there are more than 22,474.26 earned teacher units for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$45,000,000 available from the Public School Fund for the fiscal year 1989-90, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$502,175,268. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	2,876.71	\$ 70,545,559
I	22,961	13,417.14	308,070,952

II	19,992	6,180.41	123,558,757
III	16,832	0.00	0
IV	14,618	0.00	0
		22,474.26	\$502,175,268

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,247,426.

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$162,092,454. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,314,744.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD OF-LOCAL BOARDS:

(a) Financial Assistance Program 552,846,534

SOURCE OF FUNDS:

(1) ASETF	552,846,534	
Total State Board of Education-Local Boards	552,846,534	552,846,534

To be distributed by the State Board of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18,

the rate of not more than \$17 per day is hereby appropriated.

- (3) Teachers' Personal
Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal
Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional
Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of

Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms

within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts.

Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,792,269

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired; \$25,000 for the Midfield City Board of Education for Special

Education; \$30,000 to the DeKalb County Board of Education for the Northeast Alabama Regional Special Education Assessment Program.

(10) Kindergarten Teacher
Units 88,183,351

The above appropriation is for 3,037.04 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$21,904,226. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

(11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 17,525,717

The above appropriation is for 592.52 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,587. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.69	\$ 2,150,422
I	22,961	328.26	7,537,178
II	19,992	<u>176.57</u>	<u>3,529,987</u>
		592.52	\$13,217,587

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$4,273,468. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$34,662.

(12) Teacher Units to reduce pupil-teacher ratio in Grade 1 .. 1,626,634

The above appropriation is for 55.00 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$1,226,736. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	8.03	\$ 196,920
I	22,961	30.58	702,147
II	19,992	<u>16.39</u>	<u>327,669</u>
		55.00	\$1,226,736

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$396,680. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$3,218.

(13) Supportive Teacher

Units 53,507,672

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,785.73 teacher units and includes salaries,

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other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$40,523,879. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	396.43	\$ 9,721,653
I	22,961	1,019.65	23,412,184
II	19,992	<u>369.65</u>	<u>7,390,042</u>
		1,785.73	\$40,523,879

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$12,879,328. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$104,465.

(14) Special Education Teacher

Units 105,358,152

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$25,243,260. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher

Units 8,588,588

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	<u>71.92</u>	<u>1,437,824</u>
		290.00	\$6,480,039

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$2,091,584. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act 87-665 . 20,265,856

The above appropriation is for 682 teacher units and includes salaries, principal supplement, other current expense and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$15,238,929. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.30	\$ 2,140,858
I	22,961	407.15	9,348,571
II	19,992	<u>187.55</u>	<u>3,749,500</u>
		682.00	\$15,238,929

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$68,200.

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$4,918,830. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$39,897.

(17) Vocational

Education 86,368,472

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation of \$86,368,473 for Vocational Education, the sum of \$6,394,785 shall be used to fund FICA for Vocational Education Programs. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$356,500 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured
Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement
(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

(22) Capital
Improvements 10,000,000

To be distributed to local boards on a formula to be determined by average

daily attendance. Said appropriation shall be conditioned upon the availability of funds in the ASETF and the approval of the Governor.

(23) Burned-Out Schools ... 5,000,000

The above appropriation of \$5,000,000 for burned-out schools shall be conditioned upon the availability of funds in the ASETF, the proof of a burned-out school, and upon the approval of the Governor.

8. PROJECT DARE:

(a) Drug Education Program 200,000

To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Project DARE	200,000	200,000

9. EDUCATION, STATE BOARD OF-POSTSECONDARY PRISON EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Programs at Clio and Clayton			
	300,000		300,000
(d) FICA-State Share	300,000		300,000

SOURCE OF FUNDS:

(1) ASETF	7,022,856	
(2) Federal and Local Funds		1,953,165
Total State Board of Education-Post-secondary Prison Education	7,022,856	1,953,165
		8,976,021

(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson Davis State Junior College; (5) Gadsden State Community College; (6) J.F. Ingram State Technical College; (7) Theodore A. Lawson State Community College; (8) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$9,626 is to be distributed to the colleges listed in (1) above on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. GADSDEN STATE COMMUNITY COLLEGE:

(a) Technical Assistance Program	300,000
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(For merger expense.)

SOURCE OF FUNDS:

(1) ASETF	300,000	
<hr/>		
Total Gadsden State Community College	300,000	300,000

It is the intent of the Legislature that no line-item appropriation from the ASETF shall be made to Gadsden State Community College for merger expense after the above appropriation is allocated for the fiscal year ending September 30, 1990.

11. EDUCATION, STATE BOARD OF JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance	65,066,647	21,074,350	86,140,997
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	221,245		221,245
(d) Auxiliary Enterprises		6,757,417	6,757,417
(e) Restricted Funds		22,170,850	22,170,850
(f) Capital Outlay	100,000		100,000
(g) FICA-State Share	5,433,262		5,433,262

SOURCE OF FUNDS:

(1) ASETF	71,011,230		
(2) Other Funds		50,002,617	
<hr/>			
Total State Board of Education-Junior College System	71,011,230	50,002,617	121,013,847

(1) The Operations and Maintenance appropriation above of \$65,066,647 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$200,000 to each junior college.

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1987-88 and the fall, winter and spring quarters of the school year 1988-89 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1987-88 and the fall, winter, and spring quarters of the school year 1988-89 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop

State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Junior College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

12. EDUCATION, STATE BOARD
OF TECHNICAL COLLEGE SYSTEM:
ITEM:

(a) Operations and Maintenance	47,639,572	15,369,397	63,008,969
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	114,509		114,509
(d) Auxiliary Enterprises		4,874,572	4,874,572
(e) Restricted Funds		13,811,319	13,811,319
(f) Community Colleges—Start-up Costs for Technical Divisions	200,000		200,000
(g) FICA-State Share	3,914,606		3,914,606

SOURCE OF FUNDS:

(1) ASETF	52,058,763		
(2) Other Funds		34,055,288	
Total State Board of Education-Technical College System	52,058,763	34,055,288	86,114,051

(1) The Operations and Maintenance appropriation above of \$47,639,572 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows. Such distribution shall be made on the same formula basis as was used in fiscal year 1988-89 for the distribution of the operations and maintenance appropriation.

(a) The appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application

of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) John C. Calhoun State Community College; (6) Carver State Technical College; (7) J.F. Drake State Technical College; (8) Gadsden State Community College; (9) Richmond P. Hobson State Technical College; (10) Theodore A. Lawson State Community College; (11) Douglas McArthur State Technical College; (12) Northwest Alabama Community College; (13) N.F. Nunnelle State Technical College; (14) Opelika State Technical College; (15) John M. Patterson State Technical College; (16) Ed E. Reid State Technical College; (17) Shelton State Technical College; (18) Shoals Community College; (19) Southwest State Technical College; (20) Chauncey Sparks State Technical College; (21) Council Trenholm State Technical College; (22) C.A. Fredd State Technical College; (23) Walker State Technical College; (24) George C. Wallace State Community College (Selma); (25) George C. Wallace State Community College (Dothan); (26) George C. Wallace State Community College (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(4) The Community College—Start-up Cost appropriations for technical divisions shall be divided equally between Bishop State Community College's Technical Division and Jefferson State Community College's Technical Division. These Technical Divisions shall not receive ASETF funding from the 1) Operations and Maintenance, 2) High Technology Equipment or 3) Library Enhancement appropriations made hereinabove. Provided, however, that in addition to the above appropriations for the Community Colleges—Start-Up Costs for Technical Divisions, there is also hereby conditionally appropriated the sum of \$350,000 to be divided equally between Bishop State and Jefferson State Community Colleges'—Technical Divisions; and it is further conditionally appropriated the respective Technical Divisions' FTE allocation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

13. EDUCATION STUDY COM- MISSION:

(a) Advisory Services Program 250,000

This appropriation is to be expended
pursuant to Code of Alabama 1975,
as amended, Sections 16-6-1 through
16-6-6.

SOURCE OF FUNDS:

(1) ASETF 250,000

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Total Education Study Commission ...	250,000		250,000
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**14. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION-SUPERCOM-
PUTER:**

(a) Administrative Support Services Program			8,500,000
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This appropriation is to be expended
for operation and maintenance of the
supercomputer.

SOURCE OF FUNDS:

(1) ASETF	7,000,000		
(2) Supercomputer Revolving Fund, Estimated		1,500,000	

Total Department of Finance-Data Systems Management Division- Supercomputer	7,000,000	1,500,000	8,500,000
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**15. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION, TELEPHONE
REVOLVING FUND:**

(a) Administrative Support Services Program			7,500,000
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SOURCE OF FUNDS:

(1) ASETF	7,500,000		
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Total Department of Finance-Data Systems Management Division, Telephone Revolving Fund	7,500,000		7,500,000
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**16. FINE ARTS, ALABAMA
SCHOOL OF:**

(a) Fine Arts Program			1,195,597
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SOURCE OF FUNDS:

(1) ASETF	1,003,110		
(2) Federal and Local Funds		192,487	

Total Alabama School of Fine Arts ...	1,003,110	192,487	1,195,597
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**17. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT:**

(a) Administrative Support Services Program			331,000
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To be expended for education and
training for the Governmental Ac-
countant and Auditor Training Pro-
gram and the Certified Public
Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000		
Total Department of Finance-Data Systems Management	331,000		331,000

18. FIREFIGHTERS PERSONNEL
STANDARDS AND EDUCA-
TION COMMISSION, ALA-
BAMA/ALABAMA FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance	731,457	180,172	911,629
(b) Auxiliary Enterprises		496,700	496,700
(c) Restricted Funds		225,000	225,000

SOURCE OF FUNDS:

(1) ASETF	731,457		
(2) Other Funds		901,872	
Total Alabama Firefighters Personnel Standards and Education Commis- sion/Alabama State Fire College- Shelton State Community College ..	731,457	901,872	1,633,329

19. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES:

(a) Administrative Support Services Program	144,323,360
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The above appropriation of \$144,323,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$144,323,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989-90

all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	144,323,360	
Total Public Education Employees' Health Insurance Board	144,323,360	144,323,360

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	2,434,449
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,309,635
Program Evaluation	200,037
Research Enhancement Program	325,000

SOURCE OF FUNDS:

(1) ASETF	1,834,672	
(2) Federal and Local Funds		599,777
Total Planning and Coordination Services Program (Total Operations)	1,834,672	599,777
		2,434,449

(b) Student Financial Aid Program ...	31,431,071
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The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program	3,487,742
(2) Alabama National Guard Educational Assistance	200,826

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 31-10-1 through 31-10-4.

(3) Emergency Secondary Education
Scholarships 1,077,007

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 16-23-18 through 16-23-23.

(4) Chiropractic
Scholarships 48,676

To be expended under the provisions
of Code of Alabama 1975, as
amended, Section 16-5-11.

(5) Alabama Student Assistance
Program 2,009,117

SOURCE OF FUNDS:

(1) ASETF	6,823,368		
(2) Federal and Local Funds		24,607,703	
Total Student Financial Aid Program	6,823,368	24,607,703	31,431,071

(c) Support of Other Educational Ac- tivities Program			5,072,342
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The proposed spending plan for the
ASETf monies included in the above
program is to be distributed through
ACHE as follows:

(1) Network of Alabama Academic Li-
braries (NAAL) 1,085,513

(2) Southern Regional Education
Board (SREB) 399,417

(3) EPSCoR-National Science Foun-
dation Program 1,000,000

In addition to the above appropriation
for EPSCoR-National Science
Foundation Program there is also
hereby conditionally appropriated the
sum of \$1,000,000 to be conditioned
upon the availability of funds in the
ASETf and the approval of the
Governor.

(4) Eminent Scholars
Program 2,000,000

Tuskegee University shall be allowed
to participate in the Eminent Schol-
ars Program.

(5) Alabama Small Business Develop-
ment Consortium 552,412

SOURCE OF FUNDS:

(1) ASETf	5,037,342		
(2) Federal and Local Funds		35,000	

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Total Support of Other Educational Activities Program	5,037,342	35,000	5,072,342
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**TOTAL ALABAMA COMMISSION
ON HIGHER EDUCATION:**

SOURCE OF FUNDS:

(1) ASETF	13,695,382		
(2) Federal and Local Funds		25,242,480	

Grand Total Alabama Commission on Higher Education	13,695,382	25,242,480	38,937,862
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**21. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE,
ALABAMA:**

(a) Industrial Training Program	1,787,166		1,787,166
(b) Industrial Development Program	3,100,000		3,100,000
(c) Alabama Center for Quality and Productivity	490,000		490,000

SOURCE OF FUNDS:

(1) ASETF	5,377,166		
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Total Alabama Industrial Development Training Institute	5,377,166		5,377,166
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In addition to the above appropriation, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund \$2,000,000 to the Alabama Industrial Development Training Institute, to be conditioned upon the availability of funds in the ASETF, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

22. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program ...			6,946,506
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SOURCE OF FUNDS:

(1) ASETF	6,278,252		
(2) Federal and Local Funds		668,254	

Total Alabama Public Library Service	6,278,252	668,254	6,946,506
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23. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			1,577,423
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SOURCE OF FUNDS:

(1) ASETF	1,055,553		
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(2) Federal and Local Funds	521,870		
Total Marine Environmental Sciences Consortium	1,055,553	521,870	1,577,423
24. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			677,000
SOURCE OF FUNDS:			
(1) ASETF	677,000		
Total Board of Medical Scholarships Awards	677,000		677,000
To be expended under the provisions of <u>Code of Alabama 1975</u> , as amended, Sections 16-47-121 through 16-47-129.			
25. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			5,289,047
Of the above appropriation \$2,937,996 shall be expended at the Eufaula Adolescent Center.			
(b) Institutional Treatment and Care-Mental Retardation Program			2,794,607
SOURCE OF FUNDS:			
(1) ASETF	8,083,654		
Total Department of Mental Health and Mental Retardation	8,083,654		8,083,654
26. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			57,000
SOURCE OF FUNDS:			
(1) ASETF-Transfer as provided in Code of Alabama 1975, as amended, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships	57,000		
Total Alabama Board of Nursing	57,000		57,000
27. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			125,000
SOURCE OF FUNDS:			
(1) ASETF	125,000		

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Total Board of Optometric Scholarship Awards	125,000	125,000
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To be expended under the provisions of the Code of Alabama 1975, as amended, Sections 34-22-60 through 34-22-65.

28. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		233,094
(b) Certified Law Enforcement Academy Program		785,925

Of the above appropriation for the Certified Law Enforcement Academy Program, the \$435,925 of ASETF monies included therein shall be expended as follows:

Mobile Police Training Academy	25,000
Jacksonville State University	118,264
University of Alabama	118,264
James H. Faulkner Jr. College	118,264
Troy State University at Montgomery	56,133
Total	435,925

SOURCE OF FUNDS:

(1) ASETF	669,019	
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, as amended, Sections 36-21-40 through 36-21-50		350,000
Total Alabama Peace Officers' Standards and Training Commission	669,019	350,000
		1,019,019

29. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program	3,868,398
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office Operations	1,456,283
Program Planning and Enhancement	995,816

Displaced Homemakers'
Program 150,000
Institutional Building and Equipment
Rental 207,000

SOURCE OF FUNDS:

(1) ASETF	2,809,099		
(2) Federal and Local Funds		1,059,299	
Total Postsecondary Education Department	2,809,099	1,059,299	3,868,398

30. PRORATION PREVENTION
ACCOUNT:

(a) Proration Prevention Account	8,000,000
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SOURCE OF FUNDS:

(1) ASETF	8,000,000	
Total Proration Prevention Account ..	8,000,000	8,000,000

To be appropriated in accordance with
Act 88-981.

In addition to the above appropriation,
there is hereby conditionally appro-
priated, the sum of \$14 million, to be
prioritized as the first conditional
appropriation to be released from the
ASETf in fiscal year 1989-90, to be
conditioned only upon the availabil-
ity of funds in the ASETf.

31. RETIREMENT SYSTEM OF
ALABAMA, EMPLOYEES'
(ASETf SHARE):

(a) Retirement Systems Program, Estimated	441,000
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SOURCE OF FUNDS:

(1) ASETf-Employees' Retirement System, Estimated	282,000	
(2) ASETf-Employees' Special Pen- sion, Acts 85-631 and 88-600, Estimated	159,000	
Total Employees' Retirement System of Alabama (ASETf Share)	441,000	441,000

32. RETIREMENT SYSTEM OF
ALABAMA, TEACHERS'
(ASETf SHARE):

(a) Retirement Systems Program, Estimated	223,494,000
(b) Term Life Insurance	3,000,000

Persons eligible for this insurance ben-
efit shall be the following:

(1) full-time members of the Teachers'
Retirement System of Alabama shall
be eligible for the full benefit; and,

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- (2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	180,237,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	43,257,000	
(3) ASETF-Term Life Insurance	3,000,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	226,494,000	226,494,000

33. SOCIAL SECURITY (ASETF SHARE):

(a) For State's share of Social Security, Estimated	100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000	
Total Social Security (ASETF Share)	100,000	100,000

The above appropriation is to be used for prior period adjustments.

34. TENURE COMMISSION, STATE:

(a) Regulation Program	10,743
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SOURCE OF FUNDS:

(1) ASETF	10,743	
Total State Tenure Commission	10,743	10,743

35. TELEVISION COMMISSION, EDUCATIONAL:

(a) Educational Television Program ..	5,573,571
(b) Public Radio Service Program	374,000

SOURCE OF FUNDS:

(1) ASETF	4,002,571	
(2) Federal and Local Funds	1,945,000	
Total Educational Television Commission	4,002,571	1,945,000
		5,947,571

Of the above appropriation to the Educational Television Commission, \$400,000 shall be used to ti-in the United Star Network.

36. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:

(a) Financial Assistance Program	2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	2,000,000	
Total Unemployment Compensation- Local Boards	2,000,000	2,000,000

37. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Af- fairs Program		4,008,808
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,008,808	
Total Department of Veterans' Affairs	4,008,808	4,008,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

38. YOUTH SERVICES, DEPART-
MENT OF:

(a) Financial Assistance Program		4,490,455
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The above appropriation for Financial Assistance Program includes \$2,875,753 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,875,753	
(2) Federal and Local Funds		1,614,702

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Total Department of Youth Services ..	2,875,753	1,614,702	4,490,455
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In addition to the above appropriation, there is hereby appropriated the sum of \$585,000 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor.

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and Program Support for the University of Alabama

	73,930,243	39,953,031	113,883,274
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The above amounts shall be distributed to the following enumerated programs by the President of the University of Alabama. In addition to operations and maintenance, the above funding shall include support for such entities a Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

2. Operations and Maintenance and Program Support for the University of Alabama at Birmingham

	111,547,439	298,996,045	410,543,484
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama at Birmingham.

In addition to operations and maintenance, the above funding shall include support for such entities as: University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma, and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville

23,869,385

16,162,638

40,032,023

The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville. In addition to operations and maintenance, the above funding includes support for such entities as: School of Primary Medical Care; Kenneth

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E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Special Mental Health, University of Alabama at Birmingham	3,504,049		3,504,049
5. Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	707,548		707,548
6. Social Security (FICA)-State Share	22,317,224		22,317,224
7. Auxiliary Enterprises		52,518,727	52,518,727
8. Restricted Funds		131,457,826	131,457,826

SOURCE OF FUNDS:

(1) ASETF	235,875,888		
(2) Other Funds		539,088,267	
Total University of Alabama System	235,875,888	539,088,267	774,964,155

II. BOARD OF TRUSTEES OF ALABAMA A&M UNIVERSITY

A. Alabama A&M University

1. Operations and Maintenance and Program Support	17,124,464	6,251,892	23,376,356
2. Social Security (FICA)-State Share	1,171,898		1,171,898
3. Auxiliary Enterprises		4,075,000	4,075,000
4. Restricted Funds		8,393,315	8,393,315

SOURCE OF FUNDS:

(1) ASETF	18,296,362		
(2) Other Funds		18,720,207	
Total Alabama A&M University	18,296,362	18,720,207	37,016,569

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

A. Alabama State University

1. Operations and Maintenance and Program Support	17,050,125	7,040,966	24,091,091
2. Social Security (FICA)-State Share	986,616		986,616

3. Auxiliary Enterprises	5,389,960	5,389,960
4. Restricted Funds	3,688,237	3,688,237

SOURCE OF FUNDS:

(1) ASETF	18,036,741		
(2) Other Funds		16,119,163	
Total Alabama State University	18,036,741	16,119,163	34,155,904

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance and Program Support	3,265,982	1,955,698	5,221,680
2. Social Security (FICA)-State Share	306,688		306,688
3. Auxiliary Enterprises		424,250	424,250
4. Restricted Funds		418,018	418,018

SOURCE OF FUNDS:

(1) ASETF	3,572,670		
(2) Other Funds		2,797,966	
Total Athens State College	3,572,670	2,797,966	6,370,636

V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

A. Auburn University System

1. Operations and Maintenance and Program Support	125,726,741	65,651,034	191,377,775
2. Social Security (FICA)-State Share	8,633,947		8,633,947
3. Auxiliary Enterprises		38,431,300	38,431,300
4. Restricted Funds		48,386,221	48,386,221

SOURCE OF FUNDS:

(1) ASETF	134,360,688		
(2) Other Funds		152,468,555	
Total Auburn University System	134,360,688	152,468,555	286,829,243

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

A. Jacksonville State University

1. Operations and Maintenance and Program Support	17,882,641	10,093,106	27,975,747
2. Social Security (FICA)-State Share	1,620,637		1,620,637
3. Auxiliary Enterprises		3,200,000	3,200,000
4. Restricted Funds		4,520,000	4,520,000

SOURCE OF FUNDS:

(1) ASETF	19,503,278		
(2) Other Funds		17,813,106	

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Total Jacksonville State University	19,503,278	17,813,106	37,316,384
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**VII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY**

A. Livingston University

1. Operations and Maintenance and Program Support	5,883,691	1,645,525	7,529,216
2. Social Security (FICA)-State Share	410,005		410,005
3. Auxiliary Enterprises		2,313,355	2,313,355
4. Restricted Funds		130,467	130,467

SOURCE OF FUNDS:

(1) ASETF	6,293,696		
(2) Other Funds		4,089,347	
Total Livingston University	6,293,696	4,089,347	10,383,043

**VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTE-
VALLO**

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,776,533	4,462,964	14,239,497
2. Social Security (FICA)-State Share	698,897		698,897
3. Auxiliary Enterprises		4,551,490	4,551,490
4. Restricted Funds		1,804,383	1,804,383

SOURCE OF FUNDS:

(1) ASETF	10,475,430		
(2) Other Funds		10,818,837	
Total University of Montevallo	10,475,430	10,818,837	21,294,267

**IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH ALA-
BAMA**

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,457,168	6,931,830	20,388,998
2. Social Security (FICA)-State Share	1,065,835		1,065,835
3. Auxiliary Enterprises		1,919,217	1,919,217
4. Restricted Funds		566,701	566,701

SOURCE OF FUNDS:

(1) ASETF	14,523,003		
(2) Other Funds		9,417,748	

Total University of North Alabama	14,523,003	9,417,748	23,940,751
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X. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALA- BAMA

A. University of South Alabama

1. Operations and Maintenance and Program Support	41,732,143	105,519,289	147,251,432
2. Social Security (FICA)-State Share	5,829,972		5,829,972
3. Auxiliary Enterprises		8,519,425	8,519,425
4. Restricted Funds		13,625,000	13,625,000

SOURCE OF FUNDS:

(1) ASETF	47,562,115		
(2) Other Funds		127,663,714	

Total University of South Alabama	47,562,115	127,663,714	175,225,829
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XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

A. Troy State University System

1. Operations and Maintenance and Program Support	17,601,118	19,649,902	37,251,020
2. Social Security (FICA)-State Share	1,852,558		1,852,558
3. Auxiliary Enterprises		6,800,470	6,800,470
4. Restricted Funds		1,081,650	1,081,650

SOURCE OF FUNDS:

(1) ASETF	19,453,676		
(2) Other Funds		27,532,022	

Total Troy State University System ...	19,453,676	27,532,022	46,985,698
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XII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND

(a) Adult Programs	3,352,465	2,635,681	5,988,146
(b) Children and Youth Programs	10,447,535	1,748,136	12,195,671
(c) Industries for the Blind	1,543,091	13,400,000	14,943,091

SOURCE OF FUNDS:

(1) ASETF	15,343,091		
(2) Other Funds		17,783,817	

Total Alabama Institute for Deaf and Blind	15,343,091	17,783,817	33,126,908
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In addition to the above appropriation to the Alabama Institute for Deaf and Blind, there is hereby conditionally appropriated the sum of \$500,000

for operations and maintenance to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

SECTION 5.

In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 8.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1990.

SECTION 9.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 10.

In the event that a court of competent jurisdiction should order the state of Alabama to repay any sales tax paid by any hospital for prescription drugs pursuant to Section 40-23-4.1, Code of Alabama 1975, or in the event negotiations among the interested parties should fail to reach a successful and satisfactory agreement, the Governor is hereby authorized to release funds from the ASETF in an amount sufficient for the repayment of any sales tax refunds. The amount of any such repayment shall be certified as legally due by the Commissioner of Revenue to the Finance Director and the Governor.

SECTION 11.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 12.

This Act shall become effective on October 1, 1989.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley Budget Isolation Resolution relating to H. B. 777, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Coburn, Colvin, Curry, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Haynes, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Penry, Perdue, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, White (G), White (L), Willis and Zoghby.

—54

And the bill:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Coburn, Colvin, Curry, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Sanderford, Spratt, Starkey, Turner, Venable, White (G), White (L), Wright and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson Budget Isolation Resolution relating to H. B. 778, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Coburn, Colvin, Cosby, Curry, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Harvey, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—58

And the bill:

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Clay, Coburn, Colvin, Curry, Escott, Freeman, Gaston, Goodwin, Hall, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Sanderford, Spratt, Starkey, Turner, Walker, White (G), White (L), Willis, Wright and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett Budget Isolation Resolution relating to H. B. 786, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Curry, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newton (D), Parker, Payne, Penry, Perdue, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—63

And the bill:

H. 786. Relating to Covington County, to provide for a District Attorney's Fund for the Twenty-Second Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Coburn, Colvin, Curry, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Richardson, Sanderford, Starkey, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams Budget Isolation Resolution relating to H. B. 792, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Curry, Drake, Ford, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Richardson, Sanderford, Starkey, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—58

And the bill:

H. 792. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall

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be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Sanderford, Starkey, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey Budget Isolation Resolution relating to H. B. 814, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clay, Coburn, Colvin, Curry, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Parker, Penry, Richardson, Rogers, Sanderford, Starkey, Turner, Venable, White (G), White (L), Willis and Zoghby.

—53

And the bill:

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Breedlove, Brooks, Bryant, Burke, Butler, Carter, Clay, Coburn, Colvin, Cosby, Curry, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Sanderford, Starkey, Turner, Venable, White (G), White (L), Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to suspend the rules to take up the Budget Isolation Resolution and the bill, H. 655, was lost, lacking a four-fifths vote.

Yeas 5; Nays 2.

Yeas: Reps. Carothers, Freeman, Hall, Parker and White (L). —5

Nays: Reps. Brooks and Sanderford. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 277. COMMENDING MRS. H. E. (VIRGIE) WOLFE FOR OUTSTANDING CIVIC CONTRIBUTIONS AND COMMUNITY LEADERSHIP.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW) Budget Isolation Resolution relating to H. B. 775, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Brooks, Bryant, Carothers, Coburn, Colvin, Curry, Escott, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Payne, Penry, Petelos, Rains, Sanderford, Turnham, Venable, White (G), Williams, Willis, Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 775.

And the bill:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, competitive bid, and sunshine laws; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (RW) offered the following substitute to bill, H. 775:

A BILL
TO BE ENTITLED
AN ACT

To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporation; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions.

When used in this Act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) "Articles" means the articles of incorporation or articles of reincorporation of an Authority.

(2) "Authority" means a public corporation incorporated and reincorporated pursuant to the provisions of this Act.

(3) "Board of Directors" means the board of directors of an Authority.

(4) "Bond" or "Bonds" means a bond or bonds issued under the provisions of this Act.

(5) "County of Incorporation" means the county of the State in which an Authority has been or is proposed to be incorporated or reincorporated.

(6) "Directors" means the members of the Board of Directors.

(7) "Incorporators" means the natural persons filing a written application for the incorporation or reincorporation of an Authority pursuant to the provisions of this Act.

(8) "Person" means, unless limited to a natural person by the context in which it is used, any person, including without limitation a private firm, a private association, a corporation, and a Public Person.

(9) "Probate Judge" means the judge of probate of the County of Incorporation of an Authority.

(10) "Project" means any land and any buildings or other improvements thereon, and all real, personal, and mixed properties deemed by an Authority to be necessary or appropriate in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(a) Any industry for the manufacturing, processing, cultivating, or assembling of any agricultural or manufactured products;

(b) Any commercial enterprise involved in storing, warehousing, distributing, or selling products of agriculture, mining, or industry (but not including facilities designed for the sale or distribution to the public of electricity, gas, water, or telephone or other services commonly classified as public utilities);

(c) Any facility classified as "industrial" within the Standard Industrial Classification (SIC) Codes now or hereafter in effect;

(d) Any enterprise for the purpose of research in connection with:

(i) Any of the foregoing;

(ii) The development of new products or new processes;

(iii) The improvement of existing products or known processes;

(iv) The development of facilities for the exploration of outer space or promotion of the national defense; or

(e) Office facilities for any of the foregoing, regardless of whether such facilities are adjacent to or on a site contiguous to land used for any of the foregoing purposes, including national, regional, or divisional offices for the management or supervision of any of the operations described in this subparagraph.

The determination of an Authority that a proposed use is within this definition shall be conclusive.

(11) "Public Person" means the State and any county, city, town, public corporation, agency, subdivision thereof, instrumentality thereof, or similar Person.

(12) "State" means the State of Alabama.

Section 2. Legislative findings of fact and declaration of intent; construction of article.

(a) The legislature hereby makes the following findings of fact and declares its intent to be as follows: In recent years changes have taken place in the economy of the State that have had a far-reaching effect on the welfare of its citizens. The agrarian economy that once prevailed in the State and provided the principal means of livelihood for most of its citizens has proven inadequate to provide employment for the State's growing population. The advent of mechanized and scientific farming methods has reduced greatly the number of persons required to obtain increased yields of agricultural products from land under cultivation. There has been a correspondingly greater dependency upon industrial development as the bulwark of the economy of the State. It is therefore appropriate and necessary that measures be taken to secure to the citizens of the State the benefits of a strengthening economy resulting from increased industrial development. Among these benefits are diversification of available job opportunities, higher salaries, better working conditions, lower consumer prices for industrial products, conservation and efficient use of natural resources, and maximum utilization of technical skills possessed by the citizens of the State. The police power of the State casts upon the legislature the peculiar function of ascertaining and determining when the welfare of the people needs its exercise. The public interest lies in the promotion of industry, and the welfare of the people is so inextricably intertwined with industry and industrial development as to make its well-being a matter of governmental concern. The solicitation of industries and other concerns producing additional jobs and strengthening the economy of the State has become increasingly competitive, with the State being required to compete not only with other states, but with nations other than the United States of America. Therefore, it is imperative that public corporations be incorporated or reincorporated with authorities and powers sufficient, to the greatest extent possible, to permit the inducement of such enterprises to locate, expand, improve their operations, or remain in the State. It is the further intention of the legislature that the public corporations authorized by this Act shall have discretion as to the manner of expending funds at their disposal for the purpose of promoting industrial development, subject to the limitations detailed in this Act.

(b) Questions have been raised as to the status of certain local industrial development authorities and boards located in the State. It is the intention of the legislature by the passage of this Act to exercise its police power to authorize the formation or retroactive validation of independent public corporations having as their general purposes the promotion of industrial development and having the power to issue Bonds.

(c) This Act shall be liberally construed in accordance with the foregoing findings of fact and declaration of intent.

Section 3. Authorization and procedure for incorporation generally.

Any number of natural persons, not less than three, residing in the County of Incorporation may incorporate an Authority as provided in this Act. To do so, the Incorporators shall first file a written application in accordance with the provisions of section 4 of this Act.

Section 4. Filing of application for incorporation with Probate Judge; contents thereof; recordation of application by Probate Judge; approval or disapproval by governing body of County of Incorporation.

(a) The written application of the Incorporator shall be filed with the Probate Judge, which application shall:

(1) Contain a statement that the Incorporators propose to incorporate an Authority pursuant to the provisions of this Act;

(2) State that each of the Incorporators is a resident of the County of Incorporation; and

(3) Request that the governing body of the County of Incorporation adopt a resolution declaring that it is expedient that the proposed Authority be formed, approving the written application, and authorizing the Incorporators to proceed to form the proposed Authority by filing for record Articles in accordance with the provisions of this Act.

(b) Such application shall be accompanied by the form of articles of incorporation of the proposed Authority.

(c) As promptly as may be practicable after the filing of the application with the Judge of Probate, the governing body of the County of Incorporation shall review the contents of the application and the accompanying form of Articles and shall adopt a resolution either:

(1) Denying the application, or

(2) Declaring that it is expedient that the proposed Authority be formed, approving the form of its Articles, and authorizing the Incorporators to proceed to form the proposed Authority by filing for record pursuant to section 5(c) of this Act such articles of incorporation in accordance with the provisions of this Act.

(d) It shall not be necessary that any such resolution be published in any newspaper or posted or be offered for more than one reading.

Section 5. Contents, signing, and filing Articles.

(a) The Articles of an Authority shall state:

(1) The names of the Incorporators and that each of them is a resident of the County of Incorporation;

(2) The name of the Authority, which may be a name indicating in a general way the geographic area proposed to be served by the Authority and shall include the words "Industrial Development Authority" (e.g., "The ___ Industrial Development Authority" or "The Industrial Development Authority of _____," the blank space to be filled in with a geographically descriptive word or words, but such descriptive word or words shall not preclude the Authority from exercising its powers in other geographic areas);

- (3) The period of the duration of the Authority, which may be perpetual;
- (4) The location of the principal office of the Authority, which shall be within the boundaries of the County of Incorporation;
- (5) That the Authority is organized pursuant to the provisions of this Act;
- (6) If the exercise by the Authority of any of its powers hereunder is to be in any way prohibited, limited, or conditioned, a statement of the terms of such prohibition, limitation, or condition;
- (7) The number of Directors (which shall be a number not less than three) and the duration of their respective terms of office (which shall not be in excess of six years);
- (8) The manner of appointing Directors. The Articles may specify that the Directors are to be appointed by the governing body of the County of Incorporation, the governing bodies of municipalities located in said county, and/or the individual members of said governing bodies, based upon districts, precincts, place numbers, or the like;
- (9) Any provisions not inconsistent with this Act relating to the dissolution of the Authority and the vesting of title to its assets and properties upon its dissolution; and
- (10) Any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

(b) The Articles shall be signed by each of the Incorporators.

(c) Upon the filing for record of the Articles with the Probate Judge, the Authority shall come into existence and shall constitute a public corporation under the name set forth in its articles of incorporation. The acceptance of Articles for recording by the Probate Judge shall be conclusive evidence of the due, legal, and valid incorporation of the Authority in all courts. The Probate Judge shall record the Articles in an appropriate book in his office. There shall be no filing fees or recording taxes due or payable on account of the filing for record of the Articles.

Section 6. Authorization and procedure for reincorporation of existing industrial development authorities and boards; continuation in office of Directors; effect of reincorporation.

(a) In all cases where there has heretofore been an attempt to create or incorporate an industrial development authority or industrial development board, but the attempted creation or incorporation is or may be invalid because of some irregularity in the procedure followed or some invalidity of or defects in the statute under which the attempted creation or incorporation of the Authority or board was made, any number of natural persons, not less than three, residing in the county in which the Authority is to be incorporated may file a written application with the Probate Judge of the county in which the industrial development authority or industrial development board has been incorporated or attempted to be created or incorporated, which application shall:

- (1) Contain a statement that the Incorporators propose to reincorporate an Authority pursuant to the provisions of this Act;

(2) State that each of the applicants is a resident of the County of Incorporation; and

(3) Request that the governing body of the County of Incorporation adopt a resolution declaring that it is expedient that the industrial development authority or industrial development board be reincorporated, approving the written application, and authorizing the Incorporators to proceed to reincorporate the industrial development authority or industrial development board by filing for record Articles in accordance with the provisions of this Act.

(b) Such application shall be accompanied by the form of Articles of the industrial development authority or industrial development board proposed to be reincorporated.

(c) As promptly as may be practicable after the filing of the application with the Probate Judge, the governing body of the County of Incorporation shall review the contents of the application and the accompanying form of Articles and shall adopt a resolution either:

(1) Denying the application or

(2) Declaring that it is expedient that the proposed reincorporation occur, approving the form of Articles, and authorizing the Incorporators to proceed to reincorporate the industrial development authority or industrial development board by filing for record the Articles in accordance with the provisions of section 5 of this Act, except that the Articles shall further specify the name of the industrial development authority or industrial development board being reincorporated.

(d) It shall not be necessary that any such resolution be published in any newspaper or posted or be offered for more than one reading.

(e) Upon the filing for record of the articles of reincorporation of the Authority with the Probate Judge, the Authority shall be reincorporated and the existence and the validity of the Authority shall be validated and ratified retroactive to the initial incorporation or creation or attempted incorporation or creation thereof, with all authorities and powers granted to an Authority by this Act, notwithstanding the fact that the industrial development authority or industrial development board that was reincorporated might not have had such authorities or powers prior to its reincorporation. Actions taken, contracts entered into, property received or conveyed, and other matters with respect to the industrial development board or industrial development authority occurring prior to its reincorporation shall be deemed valid, binding, effective, legal, and constitutional if such matters would have been valid, binding, legal, effective, or constitutional if occurring after the date of reincorporation under the terms of this Act, notwithstanding any defects or irregularity in the procedure for the original creation or incorporation of such industrial development authority or industrial development board or the invalidity of or defects in the statute under which the attempted creation or incorporation of such authority or board was made or attempted.

(f) Upon such reincorporation, the Directors of the Authority shall consist of those Persons who were members of the board of directors of the industrial development authority or industrial development board which has been reincorporated, notwithstanding any invalidity or defect in the procedure for appointing such individuals occurring prior to such reincorporation. In the event that the Articles specify a Board of Directors having fewer members than the board of directors of the industrial development authority or

industrial development board which has been reincorporated, the members of the board of directors who were most recently appointed shall constitute the Board of Directors of the reincorporated Authority, and those members of the Board of Directors of the industrial development authority or industrial development board which has been reincorporated having the least recent appointment as such shall cease to be members of the board of directors of the industrial development authority or industrial development board. Those persons becoming members of the Board of Directors of the reincorporated Authority shall serve for such term or terms as shall be specified in the articles of reincorporation, notwithstanding the fact that such term or terms may exceed the term or terms for which such persons were originally appointed to such positions.

Section 7. Further authorization and procedure for reincorporation of existing industrial development authorities and boards.

In all cases where an industrial development authority or industrial development board has been incorporated or created prior to or after the enactment of this Act, and a majority of the members of the board of directors of such authority or board adopts a resolution determining that it would be expedient for such authority or board to reincorporate under the terms of this Act, the authority or board may authorize three or more of its members to file an application in accordance with section 6 of this Act (notwithstanding the fact that there may be no invalidity of the attempted creation or incorporation of such board or authority or irregularity in the procedure followed or some invalidity of or defects in the statute under which the attempted creation or incorporation of the authority or board was made) and proceed to reincorporate the authority or board under this Act in accordance with section 6 of this Act.

Section 8. Recordation of Articles by Probate Judge; Probate Judge to receive no fees in connection with incorporation, reincorporation, dissolution, etc., of Authority.

(a) The Articles shall be filed with the Probate Judge. Upon acceptance of such Articles for filing, the proposed Authority shall constitute a de jure corporation. The acceptance of such Articles for filing by the Probate Judge shall be conclusive of the valid incorporation of a proposed Authority or reincorporation of an industrial development authority or industrial development board.

(b) There shall be no fees or taxes paid to or collected by the Probate Judge for any service rendered or work performed in connection with an Authority, its incorporation, reincorporation, amendment, dissolution, or records.

Section 9. Officers and Directors of Authority; reduction to writing, recordation, and filing of proceedings of Board of Directors; admissibility of evidence of proceedings of Board of Directors; adoption of bylaws; notice of meetings; attendance at meetings; qualifications.

(a) The initial Board of Directors of an Authority shall be as specified in the Articles, or as provided in section 6 of this Act.

(b) Each Authority shall have a chairman, vice-chairman, secretary, and treasurer, to be elected by the Board of Directors. The offices of secretary and treasurer may, but need not, be held by the same person. A majority of the Directors shall constitute a quorum for the transaction of business. The officers and Directors shall serve for the terms provided for in the

Articles. No Director shall draw any salary for any service rendered or for any duty performed as Director. The duties of the chairman, vice-chairman, secretary, and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board of Directors from time to time.

(c) All proceedings had and done by the Board of Directors shall be reduced to writing by the secretary of the Authority and shall be signed by at least two Directors of the Authority present at the proceedings. Copies of such proceedings, when certified by the secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(d) A Board of Directors may adopt bylaws making provision for its actions not inconsistent with this Act.

(e) Notice of any meeting of the members of the Board of Directors shall be as provided in the bylaws or, if the bylaws make no provision for such notice, then as determined in the discretion of the chairman of the Board of Directors. Notice of any meeting may be waived by any Director before, at, or after the meeting and may be communicated by letter, telegraph, telex, telecopy, or similar means. Attendance at any meeting for any purpose other than to protest the holding of the meeting shall constitute waiver of notice.

(f) The Board of Directors may act by a written consent, signed by all Directors, which consent shall have the same effect as unanimous action taken at a duly held meeting of the Board of Directors, a quorum being present. Directors may also meet by telephone conference or may attend a meeting by any two-way telephonic communication system or the like.

(g) Directors must be residents of the County of Incorporation. If any Director ceases to be a resident of the County of Incorporation, such person shall cease to be a Director, and such position shall remain vacant until a successor is appointed in accordance with the Articles and this Act.

Section 10. Members of the Board of Directors; qualifications; terms.

(a) Except as provided in section 6 of this Act, the Board of Directors shall be composed of the number of Directors provided for in the Articles, appointed as provided in the Articles for the terms designated therein.

(b) All Directors shall serve until their successors are duly appointed or until they cease to be qualified. Vacancies on the Board of Directors shall be filled as provided for in the Articles, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term. In the event any uncertainty arises as to the terms of office of the Directors, the governing body or Person authorized to appoint such Directors to the Board of Directors may clarify such term by adoption of an appropriate resolution or by execution of an appropriate certificate, and such term of office shall be as so clarified.

(c) A majority of the Directors shall constitute a quorum for the transaction of business, but any meeting of the Board of Directors may be adjourned from time to time by a majority of the Directors present, or may be so adjourned by a single Director if such Director is the only Director present at such meeting. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board. The Board shall hold regular meetings at such times as may be provided in the bylaws of the Authority, may hold

other meetings at any time and from time to time upon such notice as may be required by the bylaws of the Authority or, if the bylaws make no provision for such notice, then as determined in the discretion of the chairman of the Board of Directors, and must, upon call of the chairman of the Authority or a majority of the total number of Directors, hold a special meeting. Any matter on which the Board of Directors is authorized to act may be acted upon at any regular, special, or called meeting. At the request of any Director, the vote on any question before the Board of Directors shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the Board of Directors shall constitute actions of the Authority.

(d) Any Director may be impeached and removed from office only in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama of 1901 and the general laws of the State for impeachment and removal of the officers mentioned in said section 175.

Section 11. Amendment of Articles.

(a) The Articles of any Authority may at any time and from time to time be amended in the manner provided in this section. The Board of Directors shall first adopt a resolution proposing an amendment to the Articles, which amendment shall be set forth in full in the said resolution and which may include any matters that might have been included in the original Articles.

(b) After the adoption by the Board of Directors of a resolution proposing an amendment to the Articles, the chairman and the secretary of the Authority shall sign and file with the governing body of the County of Incorporation a written application in the name and on behalf of the Authority, under its seal, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a copy of the resolution adopted by the Board of Directors proposing the amendment to the Articles. As promptly as may be practicable after the filing of the application, the governing body shall review the application and shall adopt a resolution either denying the application or approving and authorizing the proposed amendment. Such resolution need not be published or posted and need not be offered for more than one reading.

(c) Following the adoption of a resolution approving the proposed amendment by the governing body of the County of Incorporation, the chairman and the secretary of the Authority shall sign and file for record in the office of the Probate Judge a certificate in the name and on behalf of the Authority, under its seal, reciting the adoption of resolutions by the Board and by the governing body of the County of Incorporation and setting forth the proposed amendment. The Probate Judge shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the Articles shall thereupon be amended to the extent provided in such amendment.

Section 12. Powers of Authority generally; limitation on liability of officers, Directors, agents, and employees.

An Authority shall have the following powers:

(1) To have succession by its corporate name until dissolved as provided in this Act;

(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, however, that an Authority may not

be sued in any trial court other than the courts of the County of Incorporation; provided, further, that the officers, Directors, agents, and employees of an Authority may not be sued for their actions in behalf of the Authority except for actions that are known by such person to be unlawful or are performed with reckless disregard for the lawfulness of such actions;

(3) To have and to use a corporate seal and to alter the seal at its pleasure;

(4) To establish a fiscal year;

(5) To anticipate by the issuance of its Bonds the receipt of any revenues that may be appropriated by or to the Authority;

(6) To pledge the proceeds of such appropriations as security for the payment of the principal of and interest on its Bonds;

(7) To make surveys and other analyses to determine suitable locations for prospective industries;

(8) To make surveys and other analyses to determine the availability of labor and to classify such labor in terms of skills and educational levels;

(9) To assist other Public Persons in the survey and analyses of their industrial resources and needs;

(10) To make grants of money to other Public Persons and to any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986, as in effect from time to time, or as recodified, or any corresponding provision of any future revenue law;

(11) To accept gifts, grants, bequests, or devises;

(12) To accept grants of money from Public Persons and to enter into binding agreements with those entities, with or without consideration;

(13) To enter into leases or other agreements with any Person;

(14) To require and/or accept lease payments or other compensation to or for the Authority or other Public Persons in lieu of sales, use, mortgage, lease, ad valorem, and/or other taxes;

(15) To accept donations of money or real or personal or mixed property;

(16) To invest in bank deposits, U.S. Treasury bills, Projects, instruments, real, personal, or mixed property, and such other investments as the Board of Directors may from time to time determine to be appropriate and convenient to accomplish any purpose for which an Authority is organized, including works of internal improvement, interests in private or corporate enterprises, loans of money or credit to individuals, associations or corporations, or the lending of the Authority's credit, granting of public money or things of value in aid of or to any individual, association, or corporation whatsoever, or becoming a stockholder in any such corporation, association, or company by issuing Bonds or otherwise even though such might be in violation of section 93 or section 94 of the Constitution of Alabama of 1901 if done by the State, a county, city, town, or other subdivision of the State, notwithstanding the fact that any such investment or action may involve the expenditure or appropriation of funds received from a Public Person. In particular, but not by way of limitation, an Authority may invest its funds (from whatever source) in the stock, bonds, debentures, notes, or other

securities issued by any Person locating a Project in the County of Incorporation, may enter into contracts or options (including contracts or options for the sale or lease of property) to any such Person at less than arms' length and at bargain rates, purchase prices, rents, or the like, and make direct grants of money, property, or services (from whatever source) to any such Person for the purpose of inducing any such Person to locate a Project in the County of Incorporation;

(17) To appoint and employ such attorneys, agents, fiscal agents, underwriters, issuers of letters of credit, depositories, banks, trustees, paying agents, transfer agents, remarketing agents, marketing agents, rating agencies, insurers of its securities, guarantors of its securities, providers of other forms of credit enhancement for its securities, and the like as an Authority may require or deem appropriate for the carrying out of its corporate purposes and the exercise of its powers;

(18) To acquire real property for the purpose of establishing one or more than one industrial parks; to improve such industrial parks, including the improvement of such parks by the construction of roads, curbing, gutters, drainage, sewerage, utilities, railroad spurs, docks, harbors, ports, grading, and the like; to construct, for its own account or the account of others, improvements thereon, including any Project, for the purpose of leasing or selling the same to any Person, including the power to lease or sell the same for its own account at a profit, or to construct the same to constitute an inducement for any Person to locate and operate a Project in such industrial park, even though such Person may not have been identified at the time such improvement may be constructed;

(19) To exercise all powers granted hereunder in such manner as it may determine to be consistent with the purposes of this Act, notwithstanding that as a consequence of the exercise of such powers it engages in activities that may be deemed "anticompetitive" within the contemplation of the antitrust laws of the State or of the United States; and

(20) To enter into such contracts, agreements, options, leases, deeds, and other instruments, and to take such other actions as may be necessary or convenient to accomplish any purpose for which an Authority is organized or to exercise any power expressly granted hereunder.

Section 13. Issuance and sale of Bonds.

An Authority is hereby authorized from time to time to sell and issue its Bonds for the purposes authorized in section 12 of this Act.

Section 14. Execution of Bonds and interest coupons; form, terms, denominations, etc., of Bonds; validation of Bonds; sale; refunding Bonds.

(a) Bonds of an Authority shall be signed by its chairman and attested by its secretary, the seal of the Authority shall be affixed thereto, and any interest coupons applicable to said Bonds shall be signed by the chairman; provided that a facsimile of the signature of said officers may be printed or otherwise reproduced on any such Bonds in lieu of being manually subscribed thereon, a facsimile of the seal of the Authority may be printed or otherwise produced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the chairman's signature may be printed or otherwise reproduced on any such interest coupons in lieu of being manually subscribed thereon, provided that the Bonds have been manually authenticated by a transfer agent of the Bond issue. Delivery of the Bonds so executed shall be valid

notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the Bonds.

(b) Any Bonds may be executed and delivered by the Authority at any time and from time to time and shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent with this Act as may be provided by the resolution or resolutions of the Board of Directors under which such Bonds are authorized to be issued; provided, however, that no Bond shall have a specified maturity date later than 30 years after its date of execution. A Bond may be made subject to redemption at the option of an Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution or resolutions under which it is authorized to be issued. Such Bonds may bear interest at a fixed rate, at a rate that adjusts in accordance with some independent standard, such as the prime or base lending rate of a bank or published rates for other securities, or may bear interest at rates which may be from time to time adjusted to a rate sufficient, in the opinion of any remarketing agent appointed by the Authority, to cause the Bonds to have a fair market value or funding value not less than the principal amount of such Bonds or such other amount as may be specified in the proceedings authorizing the issuance of such Bonds. In particular, it is intended that the Authority shall be authorized to issue "tender" Bonds or similar Bonds and to enter into appropriate remarketing agreements with respect to any of its Bonds and the determination of the rate of interest borne by such Bonds.

(c) Upon the adoption by the Board of Directors of any resolution providing for the issuance of Bonds, an Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper of general circulation published in the County of Incorporation a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of the Authority: "_____, a public corporation organized under the laws of the State of Alabama, on the ____ day of _____, authorized the issuance of not more than \$_____ principal amount of [revenue, general obligation, or other appropriate designation] Bonds of the said Authority for purposes authorized in the act of the legislature of Alabama under which the said Authority was organized. Any action or proceeding questioning the validity of the said bonds, any pledge or mortgage to secure the same, any lease or sale of any project to be financed by said bonds, or the proceedings authorizing the same must be commenced within 20 days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in said notice or to contest the validity of such Bonds or the validity of any pledge or mortgage made therefor or any lease or sale of any Project to be financed by said Bonds must be commenced within 20 days after the first publication of such notice. After the expiration of the said period, no cause of action, counterclaim, setoff, or defense questioning or attacking the validity of the said proceeding or of the said Bonds or the said pledge or mortgage or the lease or sale of the Project to be financed by said Bonds shall be asserted, nor shall the validity of the said proceedings or of the said Bonds or the said pledge or mortgage or the lease or sale of the Project to be financed by said Bonds be open to question in any court on any ground whatsoever except in an action or proceeding commenced within such period.

(d) Subject to the provisions and limitations contained in this Act, an Authority may from time to time sell and issue refunding Bonds for the purpose of refunding any matured or unmatured Bonds then outstanding. Such refunding Bonds may be subrogated and entitled to all priorities, rights, and pledges to which the Bonds refunded thereby were entitled.

(e) An Authority may pay out of the proceeds of the sale of its Bonds attorneys' fees and the other expenses of issuance which its Board of Directors may deem necessary and advantageous in connection with the issuance of such Bonds.

Section 15. Security for Bonds.

(a) In the discretion of the Board of Directors of an Authority, any Bonds may be secured by an indenture between an Authority and a trustee, which may be any trust company or bank having trust powers, whether such trust company or bank is located within or without the State. In any such indenture or resolution providing for the issuance of Bonds an Authority may pledge, for payment of the principal of and the interest on such Bonds, any of its revenues to which its right then exists or may thereafter come into existence, and may assign, as security for such payment, any of its leases, franchises, permits, and contracts. In any such indenture, an Authority may mortgage any of its properties, including any that may be thereafter acquired by it, and may provide that in the event of a default in payment of the Bonds secured thereby or in the event of default with respect to any agreement contained therein, such mortgage may be foreclosed either by sale at public outcry or by judicial proceedings. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, provided any indenture has been recorded in the office of the Probate Judge, regardless of compliance with the Alabama Uniform Commercial Code as in effect from time to time. In any indenture or resolution authorizing the issuance of Bonds and pledging for the benefit thereof revenues from any one or more of its Projects, the Authority shall have the power to include provisions customarily contained in instruments securing evidences of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation, and application of any rental or other revenue due or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building, structure or other property owned by the Authority, the creation and maintenance of special funds from any revenue of the Authority, and the rights and remedies available in the event of default to the holder of the Bonds or the trustee under the indenture, all as its Board of Directors shall deem advisable and as shall not be in conflict with the provisions of this section

(b) If there occurs any default by an Authority in payment of the principal of or the interest on the Bonds or in any of the agreements on the part of an Authority that may properly be included in any indenture securing the Bonds or in any resolution authorizing their issuance, any holder of any of the Bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available), by suit, action, mandamus, or other

proceedings, enforce payment of such principal or interest and compel performance of all duties of the Authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver possessing all the powers of such receiver necessary or appropriate for the operation and maintenance of the property of the Authority covered by such indenture or resolution, and the collection, segregation, and application of revenues therefrom. The indenture or any resolution may also contain provisions restricting the individual rights of action of the holders of the Bonds and coupons.

Section 16. Application of proceeds from the sale of Bonds; source of payment; pledge of county's or municipality's credit; negotiability; exemption from taxation; pledge as security for funds belonging to a Public Person; investment in Bonds by fiduciaries; no public hearing required; investment in Bonds by teachers' retirement system of Alabama, the employees' retirement system of Alabama, and the state insurance fund; investment in Bonds by Public Persons.

(a) The proceeds from the sale of any Bonds shall be applied as provided in the proceedings in which the Bonds are authorized to be issued, including without limitation, the payment of all legal, fiscal, and recording fees and expenses incurred in connection with the authorization, sale, and issuance of the Bonds and, if so provided in the proceedings authorizing their issuance, interest on said Bonds (or if only a part of any issue of Bonds is issued for acquisition purposes, interest on that portion of the Bonds of that issue that is issued to pay acquisition costs) for a reasonable period prior to and during the time required for the acquisition, construction, and equipping of the Project. An Authority may provide in the proceedings authorizing the issuance of Bonds for the funding of a debt service reserve and/or a replacement and extension reserve from the proceeds of its Bonds.

(b) All contracts made by an Authority and all Bonds shall be solely and exclusively obligations of an Authority and shall not constitute or create an obligation or debt of any other Public Person except as provided in section 16(c) of this Act.

(c) Any county or any municipality may pledge its full faith and credit toward the retirement of any Bonds or other evidences of indebtedness issued by an Authority under the provisions of this Act.

(d) Bonds shall be construed to be negotiable instruments even if payable solely from only a specified source.

(e) Bonds issued by an Authority and the income therefrom shall be exempt from all taxation in the State.

(f) Bonds issued by an Authority may be used by the holder thereof as security for any funds belonging to any Public Person in any instance where security for such deposits may be required by law.

(g) Unless otherwise directed by the court having jurisdiction thereof or the document that is the source of its authority, a trustee, executor, administrator, custodian, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers now or hereafter conferred by law and with the exercise of reasonable business prudence, invest trust or fiduciary funds in Bonds.

(h) Neither a public hearing nor consent of any other Public Person shall be a prerequisite to the issuance of Bonds by an Authority.

(i) The Bonds shall be legal investments for funds of the teachers' retirement system of Alabama, the employees' retirement system of Alabama, and the State insurance fund.

(j) Public Persons may invest in any Bond issued by an Authority.

Section 17. Exemption from usury and interest laws.

An Authority shall be exempt from all laws of the State now or hereafter governing usury or prescribing or limiting interest rates, including without limitation the provisions of chapter 8 of title 8, Code of Alabama, as amended.

Section 18. Exemptions from taxation.

All properties of an Authority, whether real, personal or mixed, and the income therefrom, all Bonds and other securities issued by an Authority and the coupons applicable thereto and the income therefrom, and all indentures and other instruments executed as security therefor, all leases made pursuant to the provisions of this Act and all revenues derived from any such leases, and all deeds and other documents executed by or delivered to an Authority shall be exempt from any and all taxation by any Public Person, including without limitation license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage. An Authority shall not be obligated to pay or allow any fees, taxes, or costs to the Probate Judge in connection with the amendment of its Articles or the recording of any document. Further, the gross proceeds of the sale of any property used in the construction and equipment of any Project for an Authority, regardless of whether such sale is to such Authority or any contractor or agent thereof, shall be exempt from the sales tax imposed by article 1 of chapter 23 of title 40, Code of Alabama, as amended, and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by any Public Person; and any property used in the construction and equipment of any Project for an Authority, regardless of whether such property has been purchased by an Authority or any contractor or agent thereof, shall be exempt from the use tax imposed by article 2 of chapter 23 of title 40, Code of Alabama, as amended, and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by any Public Person.

Section 19. Nonapplicability of competitive bid laws.

The provisions of articles 2 and 3 of chapter 16 of title 41, Code of Alabama, as amended, or other similar laws shall not apply to an Authority, its Directors, or any of its officers, agents, or employees in their capacities as such.

Section 20. Limited liability.

The recovery of damages under any judgment or judgments against an Authority shall be limited to \$100,000 for bodily injury or death for one person in any single occurrence. Recovery of damages under any judgment or judgments against an Authority shall be limited to \$300,000 in the aggregate where more than two Persons have claims or judgments on account of bodily injury or death arising out of any single occurrence. Recovery of damages under any judgment or judgments against an Authority shall be limited to \$100,000 for damage or loss of property arising out of any single occurrence. No Authority shall settle or compromise any claim for bodily injury, death, or property damage for an amount in excess of the amounts hereinabove set forth.

Section 21. Transfer of funds and assets to Authority.

Any Public Person is hereby authorized to transfer and convey to an Authority, with or without consideration, (a) any properties, real, personal, or mixed, and all funds and assets, tangible or intangible, that may be owned by such Public Person or that may be jointly owned by any two or more thereof, and (b) any funds owned or controlled by any Public Person or jointly by any two or more thereof; whether or not such property or funds are considered necessary for the conduct of the governmental or public functions (if any) of such Public Person. Such transfer or conveyance shall be authorized by an ordinance or resolution duly adopted by the governing body of such Public Person. Any such ordinance or resolution need not be published or posted and need not be offered for more than one reading.

Section 22. Dissolution of Authority; title to property of Authority to vest in County of Incorporation upon dissolution of Authority unless otherwise provided.

(a) At any time when no Bonds of an Authority are outstanding, an Authority may be dissolved by the adoption by its Board of Directors of a resolution recommending its dissolution and the approval of such dissolution by the governing body of the County of Incorporation and the adoption of a resolution to the effect that the governing body of such County concurs. Such resolution need not be published or posted and need not be offered for more than one reading. Upon such dissolution the chairman and secretary of the dissolved Authority shall execute articles of dissolution reciting that such resolutions have been adopted and that such Authority has been dissolved. Such articles of dissolution shall be filed with the Probate Judge, who shall record therein an appropriate book.

(b) Upon dissolution of an Authority, title to all its property shall be vested in such Persons as shall be specified or in its Articles, or if no such specification exists, in the County of Incorporation.

Section 23. Severability.

The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 25. This Act shall be self-executing.

Section 26. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Carothers, Carter, Clay, Coburn, Colvin, Curry, Escott, Ford, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy,

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Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Spratt, Turnham, Venable, White (G), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, H. 775 as amended:

Amend Substitute for H. B. 775, page 3, line 34 after the word “defense” by deleting the word ~~or~~

Further amend on page 4, line 5 after the word “subparagraph” by deleting the ~~period~~ and add a semicolon and the word or

Further amend on page 4, line 6 add a new subparagraph (f) to read as follows:

(f) Facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Carothers, Carter, Coburn, Colvin, Curry, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Sanderford, Spratt, Turnham, Venable, Warren, White (G), Willis, Wright and Zoghby.

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H. 775 TEMPORARILY CARRIED OVER

On motion of Rep. Johnson (RW), the bill, H. 775 as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Venable, the Budget Isolation Resolution and the bill, H. 638, were temporarily carried over.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 278. COMMENDING TOMMY GOFF, DIRECTOR OF AUBURN HIGH SCHOOL BANDS FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENTS AND SERVICE TO THE AUBURN HIGH SCHOOL.

Also:

By Rep. Turnham:

H. R. 279. COMMENDING EDITH MERRITT OF AUBURN.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 734.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Layson, the Budget Isolation Resolution and the bill, H. 734, were temporarily carried over.

H. 775 RESUMED

And the bill:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Clark (W), Coburn, Curry, Drake, Escott, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Newton (C), Payne, Penry, Perdue, Petelos, Poole, Sanderford, Spratt, Venable, White (G), White (L), Williams and Wright.

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Nay: Rep. Holley.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

TOMMY CARTER,
Chairman.

And the bill, H. 535 as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators:

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 280. COMMENDING THE NORTHPORT BAPTIST CHURCH.

Also:

By Rep. Layson:

H. R. 281. COMMENDING THE LAVENDER ART CLUB FOR CONTRIBUTIONS TO THE COMMUNITY.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers Budget Isolation Resolution relating to H. B. 273, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Burke, Butler, Campbell, Carothers, Crow, Frazier, Gaston, Gray, Hamilton, Hammett, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Marks, Mathis, McDowell, McMillan, Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Richardson, Starkey, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 273. (With Substitute): To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-22-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271 and 22-21-275, Code of Alabama 1975, are hereby amended further to read as follows:

"22-21-260.

"As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

"(1) STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA). An agency of the state of Alabama which is designated by the governor as the sole state health planning and development agency, which shall consist of three consumers, three providers and three representatives of the governor who all shall serve staggered terms and all be appointed by the governor. Where used in this article, the terms, "state agency," and the "SHPDA," shall be synonymous and may be used interchangeably.

"(2) STATEWIDE HEALTH COORDINATING COUNCIL. (SHCC) A council, appointed by the governor, established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 300m-3) and sections 22-4-7 and 22-4-8 composed of at least 16 members, a majority of whom shall be consumers. The state health officer shall be an ex officio and voting member of the council. The purpose of such council is to prepare the state health plan to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it."

"(3) HEALTH SERVICE AREA. A geographical area designated by the statewide health coordinating council and approved by the governor, as being appropriate for effective planning and development of health services.

"(4) STATE HEALTH PLAN. (SHP) A comprehensive plan which is prepared triennially and reviewed at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the governor. "The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

"(5) HEALTH CARE FACILITY. Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long-term care and other types of hospitals, and related facilities such as, laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; rehabilitation centers, public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; facilities for the developmentally disabled; home health agencies; health maintenance organizations; and alcohol/drug abuse facilities. The term "health care facility" shall not include the offices of private physicians or dentists, whether for individual or group practice and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, or veterans nursing home operated by the department of veterans affairs."

"(6) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an in-patient or out-patient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state."

"(7) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the healthcare facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as expense of operation and maintenance and which:

"(a) Exceeds \$200,000.00 \$500,000.00 (indexed) for major medical equipment; \$200,000.00 \$500,000.00 (indexed) for the initiation of a new service as hereafter described for new annual operating costs; \$600,000.00 \$1,500,000.00 (indexed) for any other capital expenditures;

"(b) Changes the bed capacity of the facility with respect to which such expenditure is made; or

"(c) Substantially changes the health services of the facility with respect to which such expenditure is made.

"(8) **PERSON.** Any person, firm, partnership, association, joint venture or corporation, the state of Alabama and its political subdivisions or parts thereof and any agencies or instrumentalities and any combination of persons herein specified, but "person" shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulations established by this article."

"(9) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need."

"(10) **ACQUISITION.** Such term shall mean and include obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or sufferance, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term "acquisition" shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement or similar financing instrument nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified hereinabove by a natural person to any member of such person's immediate family. For the purposes of this section "immediate family" shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the fourth degree of kindred as such degrees are computed according to law."

"(11) **CONSTRUCTION.** Such term shall mean and include actual commencement, with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabrication of any real property constituting a facility under this article, and the term "construct" shall mean and include any act of construction. "Ground breaking ceremony," "receipt of bids," "receipt of quotation" or similar action

that will permit unilateral termination without penalty shall not be considered "construction."

"(12) FIRM COMMITMENT OR OBLIGATION. Such terms shall mean and include:

"a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefore;

"b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services; and

"c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

"(13) INSTITUTIONAL HEALTH SERVICES. Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

"(14) MODERNIZATION. The alteration, repair, remodeling, replacement and renovation of existing buildings including initial equipment thereof and the replacement of equipment of existing buildings.

"(15) TO OFFER. Such term, when used in connection with health services, means that the health care facility or health maintenance organization holds itself out as capable of providing, or as having the means for the provision of, specified health services.

"(16) RURAL HEALTH CARE PROVIDER/APPLICANT/AREA. A provider or applicant or hospital located in a geographical area designated by the United States Government Healthcare Financing Administration as rural.

"S 22-21-263.

"(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, "new institutional health services" shall include:

"(1) The construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

"(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of \$200,000.00 \$500,000.00 (indexed) for major medical equipment; in excess of \$200,000.00 \$500,000.00 (indexed) for the initiation of a new service but specifically home health care, a rehabilitation unit, a psychiatric unit or an alcohol and drug unit, new annual operating costs; shall be considered a new service for certificate of need review; and in excess of \$600,000.00 \$1,500,000.00 (indexed) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization; or

"(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition, or conversion of one

or more beds, or the relocation of one or more beds from one physical facility to another; or

"(4) Health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered and the expenditure is consistent with this article.

"(b) The four conditions of "new institutional health services" listed in this section shall be mutually exclusive.

"S 22-21-264.

"The SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the criteria and clarifying definitions for reviews covered by this article. These criteria shall include at least the following:

"(1) Determination that the proposed new institutional health service or healthcare facility is consistent with one or more of the appropriate state health facility and services plans effective at the time the application was received by the state agency, which shall include the latest approved revisions of the following plans:

"a. Alabama state health plan which shall include inventories and bed need methodologies for inpatient rehabilitation beds, inpatient psychiatric beds and inpatient alcohol and drug abuse beds.

"b. Alabama state plan for services to the mentally ill.

"b. Alabama mental health-mental retardation service systems plan.

"c. Alabama state plan for rehabilitation facilities.

"d. Alabama developmental disabilities plan.

"e. Alabama state alcoholism plan.

"f. e. Such other state plans as may from time to time be required by state or federal statute.

~~"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.~~

~~"(3) (2) The availability of alternative, less costly or more effective methods of providing such services."~~

"(4) (3) Determination of a substantially unmet public requirement for the proposed health care facility, service or capital expenditure that is consistent with orderly planning within the state and the community for furnishing comprehensive health care, such determination to be established on the merits of the proposal after giving appropriate consideration to:

"a. Financial feasibility of the proposed change in service of healthcare facility;

"b. Specific data supporting the demonstration of need for the proposed change in facility or service shall be reasonable, relevant and appropriate;

~~"c. Evidence of evaluation and consistency of the proposed change in healthcare facility or service with the facility's and the community's overall health and health-related plans;~~

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~~"d. c.~~ Evidence of consistency of the proposal with the need to meet nonpatient care objectives of the healthcare facility such as teaching and research;

~~"e. Evidence of review of the proposed healthcare facility service or capital expenditure when appropriate and requested by other state agencies;~~

~~"f. d.~~ Evidence of the locational appropriateness of the proposed facility or service such as transportation accessibility, manpower availability, local zoning, environmental health, etc.;

~~"g. e.~~ Reasonable potential of the facility to meet licensure standards;

~~"h. f.~~ Reasonable consideration shall be given to medical facilities involved in medical education.

~~"(5) (4)~~ Determination that the person applying is an appropriate applicant, or the most appropriate applicant in the event of duplicative applications, for providing the proposed health care facility or service, such determination to be established from the evidence as to the ability of the person, directly or indirectly, to render adequate services to the public, including affirmative evidence as to the following:

"a. Professional capability of the facility proposing the capital expenditure;

"b. Management capability of the facility proposing the capital expenditure;

"c. Adequate manpower to enable the facility to offer the proposed service;

~~"d. Evidence of the existence of the applicant's long range planning program and an ongoing planning process;~~

~~"e. Evidence of existing and ongoing monitoring of utilization and the fulfilling of unmet or undermet health needs in the case of expansion;~~

~~"f. Evidence of communication with all planning, regulatory, utility agencies and organizations that influence the facility's destiny."~~

~~"(6) (5)~~ Consideration of the special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service area in which the entities are located or in adjacent health service areas.

~~"(7) (6)~~ The special needs and circumstances of health maintenance organizations."

~~"(8) (7)~~ In case of a construction project, consideration shall be given to :

"a. The costs and methods of the proposed construction including the costs and methods of energy provision, and

"b. The probable impact of the construction project reviewed on the costs of providing health services.

"S 22-21-265.

"(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct or operate a new institutional health service, as

defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless such person shall first obtain from the state health planning and development agency (SHPDA) a certificate of need therefor.

~~“(b) Notwithstanding the provisions of subsection (a) of this section, any person who, on July 30, 1979, holds a valid assurance of need issued pursuant to section 1122 of the Social Security Act, shall be entitled to be issued a certificate of need for the facility or service described on the application for the assurance of need. Application for a certificate of need under this subsection shall be filed within 90 days after July 30, 1979. Certificates of need issued under this subsection shall be subject to section 22-21-270.”~~

“(b) Notwithstanding all other provisions of this article to the contrary, the replacement of equipment by health care facilities shall be exempt from certificate of need review, provided such replacement does not substantially change the purpose of the equipment.”

“(c) The SHPDA shall, by October 1, 1989, conduct a survey to inventory the number of inpatient rehabilitation units, psychiatric units, and alcohol and drug abuse units in the state. Prior to the survey, the SHPDA shall inform all providers that are offering acute care beds, as either psychiatric, rehabilitation, or alcohol and drug abuse beds in a unit that these beds will be included in a separate bed need methodology and inventory from the acute care bed need methodology and inventory. All such units reported to the SHPDA prior to October 1, 1989 shall be included in such inventories and methodologies.”

“S 22-21-266.

“No certificate of need for new inpatient facilities or services shall be issued unless the SHPDA makes each of the following findings:

“(1) That the proposed facility or service is consistent with the latest approved revision of the appropriate state plan effective at the time the application was received by the state agency;

“(2) That less costly, more efficient or more appropriate alternatives to such inpatient service are not available, and that the development of such alternatives has been studied and found not practicable;

“(3) That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner consistent with community demands for services;

“(4) That in the case of new construction, alternatives to new construction (e.g., modernization and sharing arrangement) have been considered and have been implemented to the maximum extent practicable; and

“(5) That patients will experience serious problems in obtaining inpatient care of the type proposed in the absence of the proposed new service.

“S 22-21-270.

“(a) A certificate of need issued under subsection (a) of section 22-21-265 and section 22-21-268 shall be valid for a period not to exceed 12 months and may be subject to one extension not to exceed 12 months, provided the criteria for extension as set forth in the rules and regulations of the SHPDA

are met. If no obligation has occurred within such period, the certificate of need shall be considered terminated and shall be null and void. Should the obligation be incurred within such valid period, the certificate of need shall be continued in effect for a period not to exceed one year or the completion of the construction project, whichever shall be later, or the inauguration of the service or the actual purchase of equipment.

“(b) Failure to commence the construction project within the time period stated in the construction contract or to complete the construction project within the time period specified, shall render the certificate of need null and void. However, the SHPDA may continue the certificate of need in force if it can be shown that the construction work has not ceased or otherwise been stopped for a period not to exceed two consecutive months during the specified construction period for causes beyond the control of the applicant.

“(c) Applicants who held valid certificates of need which were terminated under this section may file a new application for a certificate pursuant to and subject to the provisions of this article.

“(d) Upon completion of the construction and issuance of a certificate of completion or the receipt of proof of purchase of equipment, the certificate of need shall be continued in force and effect.

“(e) A certificate of need shall not be transferable, assignable, or convertible and shall be valid solely to the person and purpose named thereon until such time the project has been completed for which the Certificate of Need had been issued.

“S 22-21-271.

“(a) Each application for a certificate of need shall be accompanied by a fee of one percent of the estimated cost of the proposed cost of the new institutional health service, or a maximum of \$10,000.00 per application with a minimum of \$1,000.00. Provided, that the application fee shall be one half of one percent of the estimated cost of the proposed cost of the new institutional health service, or a maximum of \$4,000.00 if the applicant has had an average daily census comprised of 50 percent or more medicaid patients within the last year prior to the filing of the application and a maximum of \$2,000.00 if a rural hospital applicant has had an average daily census comprised of 30 percent or more medicaid/medicare patients within the last year prior to the filing of the application. The minimum fee shall be set by the SHPDA. Fees shall be used for the purpose of defraying the lawful operating expense of the certificate of need program conducted by the SHPDA and of the statewide health coordinating council.

~~“(b) Application fees collected for issuance of a certificate of need for planning shall be deducted from the fee required for the certificate of need for the actual construction work planned as a result of the certificate of need for planning.~~

“(e) (b) There is hereby authorized to be appropriated from the general funds of the state of Alabama such amounts as may be necessary from time to time to defray the costs of administering this article over and above such fees as may be collected under this section.

“(d) (c) Application fees collected under this article shall not refundable. Fees collected under this article are hereby appropriated for the purposes stated in this article.

~~“(e) (d) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed. Any revenue in excess of \$375,000 collected from application fees authorized in section 22-21-271, shall be deposited into the state general fund~~ mothers and babies indigent care trust fund.

“S 22-21-275.

“The SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the procedures for review of applications for certificates of need and for issuance of certificates of need. Rules and regulations governing review procedures shall include, but not necessarily be limited to, the following:

“(1) Agreement with other review agencies for review procedures consistent with this article and federal regulations.

“(2) Application procedures and forms of the application necessary to elicit and provide all necessary information as required by the review criteria.

“(3) Establishment of a project review period of 90 days from the date the state agency determines that the application is complete and notification thereof is made to the applicant. The rules and regulations may provide for a period of not more than 15 days for determination of the completeness of the application, notification of the beginning and termination dates of the project review period and criteria for determining by the state agency of an extension of the project review period not to exceed 30 days with or without the consent of the applicant. An extension of the review period without limitation may be made with the written consent of the applicant. All reviews must be completed prior to the termination of the review period. If the state agency does not make a decision within the period of time specified for state agency review, the proposal shall be deemed to have been found not to be needed.

“(4) Provision for a “nonsubstantive” review which shall be a modified review applicable to proposals for capital expenditures up to \$500,000.00 (indexed) and ~~which:~~ for major medical equipment expenditures up to \$1,500,000.00 (indexed) and which:

“(a) Do not result in a substantial change in a service; or

~~“(b) Propose equipment to upgrade or expand an existing service; or~~

~~“(e) (b)~~ Increase the bed capacity by not more than 10 percent of the existing bed capacity; provided, that such increase in bed capacity is consistent with the state health plan.

“(5) Public Procedures for public notification of receipt of application, review periods, public hearings, decisions of the state agency, fair hearings if requested and final decisions regarding a certificate of need.

“(6) Public hearings on the application for the certificate of need. The SHPDA shall make provisions for a public hearing in the course of agency review ~~if requested by one or more persons directly affected by the review.~~

“(7) Schedule for reviews to include hearings before the review agencies, beginning and ending of review periods and time of the review period as provided in this section.

“(8) Provision of the applicant to submit such information that he may deem advisable in justification of the application over and above the minimum information required by this article and the regulations adopted hereunder.

“(9) Provisions for periodic reports by the health provider or applicant respecting the development of the proposal subject to review and for which a certificate of need is issued.

“(10) Provisions for written findings, as appropriate, which the state used as the basis for its decision or any recommendation of the state agency. Such findings and recommendations shall be provided to the applicant and available to other interested persons upon request and upon payment of a reasonable fee to cover actual costs of reproduction and handling.

“(11) Notification upon request of providers of health services and other persons subject to review of findings, recommendations and decisions made under this article.

“(12) Provision for a public hearing upon written request and for good cause by any person for the reconsideration of a decision by the SHPDA. Request for a public hearing shall be made in writing not more than 30 days subsequent to the date of the decision and shall have the effect of holding in abeyance the final decision subject to the outcome of the public hearing.

“(13) Provision that no decision of the SHPDA under this article shall be deemed final until 31 days following the date of the decision.

“(14) Provisions that any adverse decision may be appealed to an agency of the state (other than the SHPDA) designated by the governor. The appeal proceedings shall be conducted pursuant to the requirements of the state of Alabama, regulations adopted under this article and federal regulations. Request for a fair hearing by the applicant shall be made within 30 days of the decision by the state agency and shall have the effect of holding in abeyance the decision subject to the outcome of the fair hearing. The decision of the appeals agency shall be considered the final decision to the circuit court of the county in which the applicant resides or of the county in which the applicant is situated.

“(15) Preparation and publication, at least annually, of reports by the state agency to the review being conducted, decision reached, certificates issued and status of proposals.

“(16) Access by the general public to applications reviewed by the SHPDA and to other written material pertinent to the review.

“(17) Provisions for letters of intent in the case of construction projects by persons proposing such projects. Letters of intent shall be in such detail as the SHPDA may direct by regulations. Letters of intent shall not substitute for the formal application for a certificate of need as provided in this article.

“(18) Provision that the review procedure may vary according to the purpose for which a particular review is being conducted and/or the nature and type of service or expenditure proposed.”

Section 2. Sections 22-21-269 and 22-21-272, Code of Alabama 1975, as amended, are hereby specifically repealed, and all laws and parts of laws are indirect conflict with the provisions of this act are hereby specifically repealed.

Section 3. The provisions of this act are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 84. NAMING THE NEW BRIDGE ON HIGHWAY 98, OVER MAGNOLIA RIVER, IN BALDWIN COUNTY, ALABAMA, IN HONOR OF THE LATE ROY SPIVEY OF FOLEY, ALABAMA

Also:

H. J. R. 264. RELATIVE TO MEETING DAYS

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 245. CONGRATULATING THE RAGLAND HIGH SCHOOL GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 246. MOURNING THE DEATH OF MATTHEW K. DEICHELMANN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 248. COMMENDING ARNOLD POST FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE DALLAS COUNTY COMMUNITY.

Also:

H. J. R. 249. CONGRATULATING THE DAR HIGH SCHOOL LADY PATRIOTS ON THE STATE CLASS 3A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 250. CONGRATULATING BETTY LOU TIPLER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 251. CONGRATULATING JOSEPH V. TORRANS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 252. CONGRATULATING JULIA DREY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 253. CONGRATULATING ELIZABETH ANDERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 254. CONGRATULATING JOSEPH H. WILSON, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 255. CONGRATULATING ARTHUR R. OUTLAW, MAYOR, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 256. CONGRATULATING EDWARD A. BETANCOURT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 257. CONGRATULATING JOANN HENRIKSEN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 258. CONGRATULATING MITCHELL M. KALIFEH, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 259. CONGRATULATING WILLIAM H. MCDERMOTT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 260. CONGRATULATING DOLORES "DEE" McDONALD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 261. COMMENDING EUGENE NED PRATER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 262. COMMENDING LAURENS W. JONES FOR OUTSTANDING AND HONORABLE SERVICE TO THE BALDWIN COUNTY BOARD OF EDUCATION AND THE COMMUNITY.

Also:

H. J. R. 263. COMMENDING SABRINA STAGGS OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 266. CONGRATULATING THE RAGLAND HIGH SCHOOL PURPLE DEVILS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

Also:

H. J. R. 267. COMMENDING EUNICE BOLLING BLACKMON FOR DISTINGUISHED SERVICE AS CIRCUIT CLERK, BALDWIN, COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 268. COMMENDING PRINCE PREYER, JR., OF MADISON COUNTY, ALABAMA.

Also:

H. J. R. 270. CONGRATULATING ROSALIE ANKERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 271. CONGRATULATING MARIE KENNY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 272. CONGRATULATING AMALIE ELLIS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 273. CONGRATULATING MYRIAM WILKINS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 274. CONGRATULATING MARY BAXLEY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 275. CONGRATULATING URSULA BARRETT ROMANO, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 276. CONGRATULATING VALERIE MCDONOUGH, WHISTLER, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 56. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

Also:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 101. Relating to Jackson County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official permanent records in Jackson County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 197. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention

Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 131. Relating to the City of Pelham in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term and power of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Also:

S. 350. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 334. To propose an amendment to the Constitution of Alabama of 1901, relating to Pickens County, so as to provide for the imposition of an additional \$10.00 in court costs for each case filed in circuit and district courts in Pickens County with the revenue therefrom to be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses; to provide for retroactive effect to April 19, 1982; to provide for the ratification of any fees or costs collected and expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature; and to provide that no further enabling legislation shall be necessary for the execution of this amendment.

Also:

H. 418. Relating to Colbert County; to amend Section 1 of Act No. 79-131, H. 249, 1979 Regular Session (Acts 1979, p. 238), so as to provide further for the compensation of election officials.

Also:

H. 492. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-619 of the 1987 Regular Session and Act No. 88-444 of the 1988 Regular Session.

Also:

H. 493. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session and Act No. 88-442 of the 1988 Regular Session.

Also:

H. 495. Relating to Colbert County; to authorize the City of Sheffield to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. 499. To amend Act No. 86-322 so as to alter the boundaries of Conecuh County Commission District 3 and 5; to provide that all elections for the Conecuh County Commission after the 1988 general election shall be conducted using the amended district arrangement; to provide that, for road construction and maintenance purposes, the amended district arrangement shall take effect immediately; and to repeal all conflicting laws.

Also:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322)

providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. McClain and Newton (D):

H. R. 282. MOURNING THE DEATH OF MR. JIMMIE LEE WILLIAMS OF FAIRFIELD, ALABAMA.

Also:

By Reps. Marks, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. R. 283. WISHING MRS. GLADYS DILLARD A SPEEDY AND COMPLETE RECOVERY.

Also:

The following resolutions were introduced:

By Rep. Carothers:

H. J. R. 284. RECOGNIZING WITH COMMENDATION THE NATIONAL ASSOCIATION OF HOSPITAL ADMITTING MANAGERS AND APRIL 3-9, 1989, AS NATIONAL HOSPITAL ADMITTING PERSONNEL WEEK.

WHEREAS, the National Association of Hospital Admitting Managers (NAHAM) was founded for the purpose of promoting high standards of professionalism and to encourage the exchange of ideas and methods among hospital admitting personnel; and

WHEREAS, NAHAM is committed to promoting excellence in the management of patient access services in health care delivery; and

WHEREAS, admitting personnel are entrusted with the safety of a hospital's most precious commodity—its patients; and

WHEREAS, hospital admitting personnel have contributed and continue to contribute significantly to the improvement and development of needed

procedures in our hospitals, and it is both appropriate and desirable that these concerned and dedicated health care professionals be recognized for the vital services they provide for our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with highest commendation, NAHAM and its membership, including Alabama Association of Hospital Admitting Managers, for the many critical services they provide.

BE IT FURTHER RESOLVED, That we also recognize and acknowledge the week of April 3-9, 1989, as National Hospital Admitting Personnel Week.

RESOLVED FURTHER, That copies of this resolution be provided for the Alabama and National Associations of Hospital Admitting Managers.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 284, was adopted.

Also:

By Rep. Parker:

H. J. R. 285. EXPRESSING REGRET AT THE ILLNESS OF DR. PAUL R. HUBBERT AND EXTENDING HIM BEST WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, in deep personal interest, the Legislature of Alabama notes that our longtime friend, Dr. Paul R. Hubbert of Montgomery, Alabama, has recently undergone surgery to alleviate a liver ailment; and

WHEREAS, Dr. Hubbert has indeed been a prominent and forceful influence in Alabama through his service as Executive Director of the Alabama Education Association for over twenty years; and

WHEREAS, during the years that Dr. Hubbert has worked with the Alabama Legislature, he has conducted himself in an exemplary manner and his character, personal integrity and unswerving devotion to the task at hand have earned him a host of friends among the members and staff of the Legislature; and

WHEREAS, his welfare is of statewide concern to a grateful citizenry and it is on their behalf, and in great optimism, that we express our anticipation of a speedy and complete recovery for Dr. Hubbert; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to our friend, Paul R. Hubbert, all best wishes for the speediest possible recovery, and direct that he receive a copy of this resolution that he and his family may know of our sincere interest and concern.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 285, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development

authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

TOMMY CARTER,
Chairman.

And the bill, H. 775 as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis (With Notice and Proof):

S. 484. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 484, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 484. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator deGraffenried (With Notice and Proof):

S. 473. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and the Tuscaloosa County Commission; to provide further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 473, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Corbett:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

Also:

By Senator Manley (With Notice and Proof):

S. 512. Relating to Marengo County, Alabama; further providing for the procedure for redeeming lands sold for taxes in such counties; and transferring certain duties of the probate judge to the revenue commissioner.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 512, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Manley (With Notice and Proof):

S. 513. Relating to Washington County; providing certain additional salary supplements for the two circuit judges that preside over the circuit court in said county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 513, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Manley (With Notice and Proof):

S. 514. Relating to Marengo County; to authorize the County Board of Health to designate the services rendered by the County Health Department

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for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 514, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 473. Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, S. 506, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 512. Local Legislation No. 1.

S. 513. Local Legislation No. 1.

S. 514. Local Legislation No. 1.

ADJOURNMENT

On motion of Rep. Frazier, the House adjourned until 12:00 o'clock Noon on Thursday, March 30, 1989.

Yeas 42; Nays 40.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Drake, Escott, Ford, Frazier, Fuller, Gray, Grayson, Higginbotham, Holmes, Hooper, Johnson (RW), Laird, Marks, McClain, McDowell, McKee, Newton (D), Perdue, Petelos, Slaughter, Spratt, Thomas, Turnham, Warren, White (L), Willis and Wright.

Nays:

Reps. Adams, Beasley, Blake, Blakeney, Breedlove, Britnell, Brooks, Bugg, Butler, Carothers, Cosby, Curry, Gaston, Grouby, Hamilton, Hammett, Haynes, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Mathis, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Rogers, Sanderford, Starkey, Turner, Venable, Walker, White (G) and Williams.